

Michigan Register

Issue No. 12— 2015 (Published July 15, 2015)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 12— 2015

(This issue, published July 15, 2015, contains
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Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Mike Zimmer, Director
Licensing and Regulatory Affairs

2015 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2015	February 1, 2015
2	February 1, 2015	February 15, 2015
3	February 15, 2015	March 1, 2015
4	March 1, 2015	March 15, 2015
5	March 15, 2015	April 1, 2015
6	April 1, 2015	April 15, 2015
7	April 15, 2015	May 1, 2015
8	May 1, 2015	May 15, 2015
9	May 15, 2015	June 1, 2015
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23	December 15, 2015	January 1, 2016
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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on June 18, 2015

These rules take effect immediately after filing with Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025, and 445.2030)

R 408.30801, R 408.30811, R 408.30813, R 408.30818, R 408.30819, R 408.30834, R 408.30838, R 408.30869, R 408.30870, R 408.30871, and R 408.30873, of the Michigan Administrative Code are amended and R 408.30865 is rescinded as follows:

PART 8. ELECTRICAL CODE

R 408.30801 National electrical code; adoptions by reference; inspection; purchase.

Rule 801. (1) The standards contained in the national electrical code 2014 edition, except sections 110.24, 501.30B, 502.30B, 503.30B, 505.25B, 506.25B, 547.1 to 547.10, and Annex H, as published by the national fire protection association (NFPA), shall govern the installation, replacement, alteration, relocation, and use of electrical systems or material. With the exceptions noted, the national electrical code is adopted in these rules by reference.

(2) Informational notes contained within the body of the code are not adopted as a part of the code.

(3) All references to the ANSI/ASME A17.1 2010, safety code for elevators and escalators mean the Michigan elevator code and all references to the national electrical code mean the Michigan electrical code.

(4) NFPA 110, standard for emergency and standby power systems, 2013 edition and NFPA 111, standard on stored electrical energy emergency and standby power systems, 2013 edition, are adopted by reference in these rules.

(5) The codes are available for inspection at the Okemos office of the Michigan department of licensing and regulatory affairs, bureau of construction codes.

(6) The National Electrical Code, NFPA 110, and NFPA 111 may be purchased from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, or from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$82.00, \$42.00, and \$42.00 each, respectively.

R 408.30811 Duties and powers of code official.

Rule 811. Sections 80.14, 80.14.1, 80.14.2, 80.14.3 and 80.14.4 are added to the code to read as follows:

80.14. Duties and powers of the code official. The code official is authorized and directed to enforce the provisions of this code. The code official may render interpretations of this code and adopt policies and procedures in order to clarify the application of its provisions. These interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. These policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

80.14.1. Department records. The enforcing agency shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, notices and orders issued. These records shall be retained in the official records for the period required for the retention of public records.

80.14.2. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

80.14.3. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or upon any premises any conditions or violations of this code that make the building or premises unsafe, unsanitary, dangerous, or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If the building or premises is occupied, the code official shall present credentials to the occupant and request entry. If the building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

80.14.4. Verification of the installation of the concrete encased electrode. The inspection of a concrete encased electrode meeting the requirements of the 2014 NEC NFPA 70 sections 250.50 and 250.52(A)(2) and (3) except for the connection of the grounding electrode conductor to the electrode shall be completed by 1 of the following:

- (1) The electrical inspector for the enforcing agency.
- (2) The building inspector for the enforcing agency if all of the following conditions are met:
 - (a) Both the electrical and building inspectors for the enforcing agency shall sign a written agreement which shall remain on file with the enforcing agency that designates authority to the building inspector for that agency to inspect a concrete encased electrode.
 - (b) Upon inspection and verification by the building inspector of a concrete encased electrode, the building inspector shall provide written documentation to the electrical inspector that the installation of the concrete incased electrode meets the requirements set forth in 250.52(A)(2) and (3) and 250.68(C)(3).
 - (c) Verification of approval of the concrete encased electrode shall be made at the construction site by signature of either the electrical inspector or the building inspector for the enforcing agency on the field copy of the building permit noting that the concrete encased electrode was approved along with the footing inspection or by a readily available inspection tag attached to the accessible grounding electrode reinforcing bar.
 - (d) The grounding electrode conductor connection to the concrete encased electrode shall be inspected by the electrical inspector for the enforcing agency.

R 408.30813 Code arrangement.

Rule 813. Section 90.3 of the code is amended to read as follows:

90.3. Code arrangement. The code includes an administration section. Additionally, the code is divided into the introduction and 9 chapters. Chapters 1, 2, 3, and 4 apply generally; chapters 5, 6, and 7 apply to special occupancies, special equipment, or other special conditions. Chapters 5, 6, and 7 supplement or modify the general rules. Chapters 1 to 4 apply except as amended by chapters 5, 6, and 7 for the particular conditions. Chapter 8 covers communications systems and is not subject to the requirements of chapters 1 to 7 except where the requirements are specifically referenced in chapter 8. Chapter 9 consists of tables that are applicable as referenced. Informative annexes are not part of the requirements of the code but are included for informational purposes only.

R 408.30818 Permits and certificates.

Rule 818. Sections 80.19, 80.19.1, 80.19.2, 80.19.3, 80.19.4, 80.19.5, 80.19.6, 80.19.7, 80.19.8, 80.19.9, 80.19.10, 80.19.11, 80.19.12 and 80.19.13 are added to the code to read as follows:

80.19. Permits and certificates. A person shall not equip a building with electrical conductors or equipment or make an alteration of, change in, or addition to, electrical conductors or equipment without receiving a written permit to do the work described. If the electrical installation or alterations of, changes in, or addition to, electrical conductors or equipment are found to be in compliance with the provision of the code and if the work has passed the inspection of the enforcing agency, then the enforcing agency shall, upon the request of the permit holder to whom the permit was issued, issue a certificate of final electrical inspection. The certificate certifies that the provisions of the code have been complied with. This section does not apply to installations that are referred to in section 7(3)(a), (b), (c), (d), (e), (f), (h), (k), (l), (m), or (o) of the electrical administrative act, MCL 338.887.

80.19.1. To whom permits are issued.

(1) A permit for any type of electrical installation may be secured by 1 of the following:

(a) A holder of an electrical contractor license or the qualifying master for the electrical contractor when authorized by the electrical contractor to secure a permit.

(b) A homeowner who occupies or will occupy a single-family dwelling and other accessory structures located on the same lot intended for use by the homeowner for which the permit is obtained and who will install the electrical equipment as certified by the homeowner on the permit application pursuant to the act.

(2) A permit for a fire alarm system may be secured by the holder of a fire alarm specialty contractor license or the qualifying fire alarm specialty technician qualifying the fire alarm specialty contractor when authorized by the fire alarm specialty contractor to secure a permit.

(3) A permit for an electrical sign or outline lighting, as defined in section 1b(1) and (2) of 1956 PA 217 the electrical administrative act, MCL 338.881b(1) and (2), may be secured by the holder of a sign specialty contractor license or the sign specialty technician qualifying the sign specialty contractor when authorized by the sign specialty contractor to secure a permit.

(4) A permit for electrical wiring associated with the installation, removal, alteration, or repair of a water well pump on a single-family dwelling to the first point of attachment in the house from the well, may be secured by a registered pump installer under part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.

(5) A permit for wiring associated with existing mechanical and plumbing systems referenced in section 7(3)(i) of the electrical administrative act, 1956 PA 217, MCL 338.887(3)(i), may be secured by the following:

(a) A holder of a mechanical contractor license issued pursuant to section 6(3)(a), (b), (d), (e), and (f) of the Forbes mechanical contractors act, 1984 PA 192, MCL 338.976(3)(a), (b), (d), and (f).

(b) A holder of a plumbing contractor license issued pursuant to the state plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.

80.19.2. Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The permit application shall contain all applicable information pursuant to with the act and shall include the signature of the applicant in compliance with section 80.19.1 of the code.

80.19.3. Permit expiration. Each permit issued by the code official under the provisions of the code shall expire by limitation and become null and void if the work authorized by the permit is not begun within 180 days from the date of the permit or if not inspected after the work is begun for a period of 180 days. Before the work may be restarted, the permit shall be reinstated if the code has not changed. If the code has changed and the work was not started, a new permit is required based on the current requirements.

80.19.3.1. Posting of permit. The permit or a copy shall be kept on site of the work until the project is completed.

80.19.4. Uncompleted installation notification. If a person to whom a permit is issued for the installation and inspection of electrical conductors and electrical equipment quits the installation for any reason, then the person shall notify the enforcing agency.

80.19.5. Inspection and refunds for partial installation. If an installation is partially completed, then a permit holder, upon quitting the installation, shall notify the enforcing agency and shall request an inspection. The inspector shall record the acceptance of, or violations against, the work installed on the permit record according to the findings of the inspector. The enforcing agency shall not grant a refund to the permit holder of the permit fee covering electrical equipment installed and inspected.

80.19.6. Owner notification to enforcing agency. If a permit holder quits an installation after the electrical equipment is installed and fails to notify the enforcing agency, then the building owner or his or her agent may notify the enforcing agency and request inspection. Upon inspection, the enforcing agency shall send the permit holder a notice of a violation. The owner may then secure another licensed contractor to proceed with the work if the new contractor is properly covered by a permit.

80.19.7. Transfer of permit. An electrical permit is not transferable.

80.19.8. Fraudulent application for permit. A permit that is issued in violation of the laws of this state or as a result of false or fraudulent information or misinterpretation of conditions is subject to revocation at the direction of the enforcing agency. The enforcing agency shall notify the person holding the permit to appear and show cause why the permit should not be revoked. Failure to appear is sufficient grounds for revocation of the permit.

80.19.9. Suspension or revocation of permit. The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

80.19.10. Annual permit. In place of an individual permit for each alteration to an already approved electrical installation, the enforcing agency may issue an annual permit upon application to any person, firm, or corporation. The applicant shall be licensed pursuant to the electrical administrative act, 1956 PA 217, MCL 338.881 to 338.892.

80.19.11. Annual permit records. The person, firm, and corporation to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

80.19.12. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the code official may grant 1 or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated.

80.19.13. Validity of permit. The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid.

The issuance of a permit based upon construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in the construction documents and other data, or from preventing building operations being carried on thereunder, when in violation of this code or other ordinances of this jurisdiction.

R 408.30819 Plans and specifications.

Rule 819. Sections 80.21, 80.21.1, 80.21.2, 80.21.3 and 80.21.4 are added to the code to read as follows:

80.21. Plans and specifications. An applicant shall submit a detailed set of plans and specifications with the application for an electrical permit for any wiring or alteration to an electrical system if the system requires installation of electrical equipment that has an ampacity of more than 400 amperes for the service or feeder and if the calculated floor area in a building is more than 3,500 square feet. The enforcing agency may request plans for projects that include an unusual design. The electrical drawings shall include all of the following details:

- (a) Lighting layout.
- (b) Circuiting.
- (c) Switching.
- (d) Conductor and raceway sizes.
- (e) Wattage schedule.
- (f) Service location and riser diagram.
- (g) Load calculations and available fault current calculations.
- (h) A proposed method of construction that is drawn with symbols of a standard form.

All conductors are assumed to be copper unless otherwise stated in the plan. Specifications, when provided, shall also include the information listed in this rule. The selection of suitable disconnect and overcurrent devices to provide proper coordination and interrupting capacity for a wiring system is the responsibility of the designer. The enforcing agency, when approving electrical plans, does not assume responsibility for the design or for any deviations from any electrical drawings. The permit holder shall ensure that the plans and specifications approved by the enforcing agency, or a certified copy of the plans and specifications, where required, are available on the jobsite for the use of the enforcing agency.

80.21.1. Preparation of plans. An architect or engineer shall prepare, or supervise the preparation of, all plans and specifications for new construction work or repair, expansion,

addition, or modification work. The architect or engineer shall be licensed under the occupational code, 1980 PA 299, MCL 339.101 to 339.2919. The plans and specifications shall be sealed and signed pursuant to the occupational code, 1980 PA 299, MCL 339.101 to 339.2919.

Note: For exceptions, see the occupational code, 1980 PA 299, MCL 339.101 to 339.2919.

80.21.2. Application and permits. The code official shall receive applications, review construction documents, and issue permits for the installation and alteration of electrical systems, inspect the premises for which the permits have been issued, and enforce compliance with the code.

The code official may issue a permit for the construction of and part of an electrical system before the entire construction documents for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of the permit shall proceed at their own risk without assurance that the permit for the entire electrical system will be granted.

Work shall be installed pursuant to the code and approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

80.21.3. Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been previously issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

80.21.4 . Retention of construction documents. The code official shall retain 1 set of approved construction documents for a period of not less than 180 days from the date of final inspection of the permitted work.

80.21.5. Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents may be submitted when approved by the enforcing agency. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations as determined by the enforcing agency.

R 408.30834 Maximum number of disconnects.

Rule 834. Section 230.71(A) of the code is amended to read as follows:

230.71(A). General. The service disconnecting means for each service permitted by section 230.2 of the code, or for each set of service-entrance conductors permitted by section 230.40, exception nos. 1, 3, or 4, of the code, shall consist of not more than 6 switches or sets of circuit breakers, or a combination of not more than 6 switches and sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard, or in switchgear. There shall be not more than 6 sets of disconnects per service grouped in any 1 location.

For the purpose of this section, disconnecting means installed as part of listed equipment and used solely for the following, shall not be considered a service disconnecting means:

- (1) Power monitoring equipment.
- (2) Surge-protective device or devices.
- (3) Control circuit of the ground-fault protection system.
- (4) Power-operable service disconnecting means.

R 408.30838 NFPA code; adoption by reference.

Rule 838. Sections 700.9 and 701.9 of the code are amended to read as follows:

700.9. Installation. Emergency systems shall be installed pursuant to NFPA 110 and NFPA 111, 2013 editions, which are adopted by reference in these rules.

701.9. Installation. Legally required standby systems shall be installed pursuant to NFPA 110 and NFPA 111, 2013 editions, which are adopted by reference in these rules.

R 408.30865 Rescinded.

R 408.30869 Grounding conductors.

Rule 869. Section 250.118 of the code is amended to read as follows:

250.118. Types of equipment grounding conductors. The equipment grounding conductor run with or enclosing the circuit conductors shall be 1 or more or a combination of the following:

(1) A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and, in the form of a wire or a busbar of any shape.

(2) Rigid metal conduit.

(3) Intermediate metal conduit.

(4) Electrical metallic tubing.

(5) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting both of the following conditions:

(a) The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.

(b) The length of flexible metallic tubing in the ground return path does not exceed 1.8m (6 feet).

(6) Armor of type AC cable as provided in section 320.108 of the code.

(7) The copper sheath of mineral-insulated, metal-sheathed cable type MI.

(8) Type MC cable that provides an effective ground-fault current path pursuant to 1 or more of the following:

(a) It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).

(b) The combined metallic sheath and uninsulated equipment grounding or bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.

(c) The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor.

(9) Cable trays as permitted by sections 392.10 and 392.60 of the code.

(10) Cablebus framework as permitted by section 370.60(1) of the code.

(11) Other listed electrically continuous metal raceways and listed auxiliary gutters.

(12) Surface metal raceways listed for grounding.

R 408.30870 Overcurrent protection.

Rule 870. Section 625.40 of the code is amended to read as follows:

625.40 Overcurrent protection. Overcurrent protection for feeders supplying electric vehicle supply equipment shall be sized for continuous duty and shall have a rating of not less than 125%

of the maximum load of the electric vehicle supply equipment. When noncontinuous loads are supplied from the same feeder, the overcurrent device shall have a rating of not less than the sum of the noncontinuous loads plus 125% of the continuous loads. The branch circuit supplying the electric vehicle equipment shall be an individual branch circuit sized for continuous duty and shall have a rating of not less than 125% of the maximum load of the electric vehicle supply equipment.

R 408.30871 Bonding other metal piping.

Rule 871. Section 250.104(B) of the code is amended to read as follows:

250.104(B). (1) Other metal piping. If installed in or attached to a building or structure, a metal piping system, including gas piping, capable of becoming energized shall be bonded to any of the following:

- (a) Equipment grounding conductor for the circuit that is likely to energize the piping system.
- (b) Service equipment enclosure.
- (c) Grounded conductor at the service.
- (d) Grounding electrode conductor, if of sufficient size.
- (e) One or more grounding electrodes used.

Either the bonding conductor or conductors, or the jumper or jumpers shall be sized pursuant to section 250.122, using the rating of the circuit that is likely to energize the piping system or systems. The points of attachment of the bonding jumper or jumpers shall be accessible.

(2) Corrugated stainless steel tubing (CSST). Listed corrugated stainless steel tubing gas piping systems shall be bonded to the electrical service grounding electrode system. The bonding jumper shall connect to a metallic pipe or fitting between the point of delivery and the first downstream CSST fitting. The bonding jumper shall be not smaller than 6 AWG copper wire or equivalent. A gas piping system that is bonded pursuant to this section shall be considered effectively bonded regardless of the amount of CSST in the system.

Exception: Listed CSST piping systems approved for installation without additional bonding by the manufacturer.

R 408.30873 Uses permitted.

Rule 873. Sections 334.10 and 334.12(A) of the code are amended to read as follows:

334.10. Uses Permitted. Type NM, type NMC, and type NMS cables may be used in the following, except as prohibited in section 334.12:

(1) One- and 2-family dwellings and their attached or detached garages, and their storage buildings.

(2) Multifamily dwellings.

(3) In other structures exceeding 1 floor above grade, cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire rated assemblies pursuant to the Michigan building code.

(4) Cable trays in structures permitted to be types III, IV, or V where the cables are identified for the use.

334.12(A). Uses not permitted. Types NM, NMC, and NMS cable shall not be permitted as follows:

(1) In any dwelling or structure not specifically permitted in section 334.10(1), (2) and (3).

(2) Exposed in dropped or suspended ceilings in other than 1- and 2-family and multifamily dwellings.

- (3) As service-entrance cable.
- (4) In commercial garages having hazardous or classified locations as defined in section 511.3.
- (5) In theaters and similar locations, except where permitted in section 518.4(B).
- (6) In motion picture studios.
- (7) In storage battery rooms.
- (8) In hoistways or on elevators or escalators.
- (9) Embedded in poured cement, concrete, or aggregate.
- (10) In hazardous or classified locations, except where specifically permitted by other articles in this code.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

PUBLIC SERVICE COMMISSION

EMERGENCY 9-1-1 SERVICES MULTILINE TELEPHONE SYSTEMS

Filed with the Secretary of State on June 24, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the public service commission by sections 405 and 413 of 1986 PA 32, MCL 484.1405 and 484.1413)

R 484.903 of the Michigan Administrative Code is amended as follows:

R 484.903 Multiline telephone system operator responsibilities.

Rule 3. (1) The MLTS operator shall assure that the multiline telephone system is capable of routing 9-1-1 calls to the 9-1-1 network, and answered by a primary PSAP, in a manner that the calls result in accurate ALI and ANI that can be verified in the 9-1-1 location database and include the specific location of the communications device.

(2) For a building having its own street address and containing an occupied area of more than 7,000 square feet, all located on a single floor and on a single contiguous property, the MLTS operator shall identify the specific location of each communications device, including the street address.

(3) For a building having its own street address and containing an occupied area of more than 7,000 square feet on multiple floors, the MLTS operator shall identify the specific location of each communications device including the street address and building floor.

(4) For separate buildings, using 1 MLTS, containing a total occupied area of more than 7,000 square feet on multiple floors and on a single contiguous property having a common public street address, the MLTS operator shall identify the specific location of each communications device in each building, including the street address, building floor, and any unique building identifier, if applicable.

(5) For separate buildings, using 1 MLTS, containing an occupied area of more than 7,000 square feet, all located on a single floor and on a single contiguous property and having a common public street address, the MLTS operator shall identify the specific location of each communications device in each building, in addition to the street address.

ADMINISTRATIVE RULES

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

CAPTIVE INSURANCE COMPANY RULES

Filed with the Secretary of State on June 18, 2015

These rules take effect 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of insurance and financial services by sections 210, 4651, 4747, and 4813 of 1956 PA 218, 1969 PA 306, E.O. 2013-1; MCL 500.210, MCL 500.4651, MCL 500.4747, MCL 500.4813, MCL 24.231 to MCL 24.233, MCL 550.991.)

R 500.101, R 500.102, R 500.103, R 500.104, R 500.105, R 500.106, R 500.107, R 500.108, R 500.109, R 500.110, and R 500.111, of the Michigan Administrative Code are added, as follows:

R 500.101 Definitions.

Rule 1. As used in these rules:

- (a) “Act” means the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.
- (b) “Captive insurance company” means a captive insurance company as defined in section 4601 of the act, a special purpose financial captive as defined in section 4701 of the act, or a protected cell company as defined in section 4801 of the act.
- (c) “Captive manager” means any person entering into a contract with a captive insurance company, or the parent or affiliate of a captive insurance company, for the purpose of managing the operations of the captive insurance company.
- (d) “Director” means the director of the department of insurance and financial services unless otherwise noted.
- (e) “Limited certificate of authority” means a limited certificate of authority issued by the director pursuant to chapter 46 or 47 of the act, MCL 500.4601 to 500.4673, MCL 500.4701 to 500.4747.
- (f) “Person” means an individual, corporation, limited liability company, association, partnership, limited partnership, limited liability partnership, trust, business trust, entity, unincorporated organization, joint venture, or other legal or commercial entity.
- (g) Terms defined in the insurance code of 1956, 1956 PA 218, MCL 500.100 to MCL 500.8302, have the same meanings when used in these rules.

R 500.102 Severability.

Rule 2. If a provision of a rule or the application of a rule to any person or circumstance is held invalid by a court of competent jurisdiction, then the provision or application shall not affect other provisions that can be given effect without the invalid provision or application.

R 500.103 Application for limited certificate of authority.

Rule 3. An application for a captive insurance company limited certificate of authority shall include all of the information requested on an application form prescribed by the director.

R 500.104 Record retention.

Rule 4. (1) Each captive insurance company shall maintain, in a place secure from theft, loss, or destruction, the financial, investment, and business records of the captive insurance company. The records shall include accurate, complete, legible, and permanent records, in electronic or hard copy format, of any books, records, data, or documents pertaining to, prepared, or generated by the captive insurance company, including, but not limited to, all of the following:

- (a) Accounting records.
- (b) Actuarial reports and studies.
- (c) Audits and auditor management letters.
- (d) Board, shareholder, member, audit, and claim committee meeting minutes.
- (e) Captive insurance company formation documents.
- (f) Claims records.
- (g) Correspondence.
- (h) Computer generated data.
- (i) Contracts.
- (j) Coverage applications, forms, and policies.
- (k) Internal audit records.
- (l) Investment records.
- (m) Loss prevention plans.
- (n) Segregated cell formation, financial, investment, and claims documents.

(2) Captive insurance companies shall do both of the following:

- (a) Retain captive insurance company records for a minimum of 7 years.
- (b) Make captive insurance company records available to the director or the director's designee for review or examination at the principal Michigan office of the captive insurance company or, if requested by the director, provide copies of such records to the director in a format prescribed by the director.

R 500.105 Captive manager.

Rule 5. (1) A captive insurance company desiring to utilize a captive manager shall ensure that the captive manager has submitted to the director for approval a complete captive manager application in a form prescribed by the director.

(2) A captive insurance company may utilize only a captive manager whose captive manager application has been approved by the director. A captive insurance company shall do both of the following:

- (a) Submit a copy of the captive manager contract to the director.
 - (b) Ensure that the captive manager contract states that a captive manager is subject to the control of the captive insurance company's board of directors or other supervisory management body.
- (3) Captive manager contracts in effect prior to the effective date of these rules shall not be subject to prior approval by the director until such time as they are renewed by the captive manager and the captive insurance company. All new captive manager contracts and captive manager contracts renewed on or after the effective date of these rules are subject to subrules (1) and (2) of this rule.

(4) The director may withdraw or suspend approval of a captive manager if any of the following occur:

- (a) The captive manager knows or should know the officers or directors of the company are or were engaged in any conduct that, in connection with the captive entity, violates state or federal laws, rules, or regulations.

- (b) The captive manager engages in conduct that would otherwise threaten the solvency of the captive insurer and fails to report such conduct to the director in a timely manner.
- (c) The captive manager knows or should know of actions of a captive under management that may lead to revocation or suspension of the limited certificate of authority under the act and fails to inform the captive board of directors and the director in a timely manner.
- (d) The captive manager fails to perform the basic manager responsibilities or reporting requirements required under the act and these rules.
- (e) The captive manager engages in conduct detrimental to the interests of the captive insurer, including but is not limited to, a conflict of interest or conduct that constitutes a breach of the fiduciary duty owed to the captive insurer.

R 500.106 Audited financial statements.

Rule 6. (1) No later than 5 months after the fiscal year end of the captive insurance company, the captive insurance company shall file with the director audited financial statements of the captive insurance company prepared by an independent certified public accountant.

(2) An independent certified public accountant's audit of a captive insurance company shall include the following:

(a) The independent certified public accountant's opinion covering all years under audit. The opinion shall be addressed to the captive insurance company on the independent certified public accountant's stationary, shall bear the original handwritten signature of the independent certified public accountant, and shall be dated.

(b) A report of evaluation of the internal controls of the captive insurance company. This report shall include an evaluation of the internal controls of the company relating to the methods and procedures used in the securing of assets and the reliability of the financial records.

(c) An independent certified public accountant's letter stating the independent certified public accountant is all of the following:

(i) Independent with respect to the captive insurance company and conforms to the standard of the profession as contained in the code of professional ethics and pronouncements of the American institute of certified public accountants and pronouncements of the financial accounting standards board.

(ii) Properly licensed by an appropriate state regulatory authority or similar regulatory authority.

(iii) A member in good standing with the American institute of certified public accountants or similar organization.

(iv) The general background and experience of the staff engaged in the audit, including the staff's experience in auditing captive and other insurance companies.

(v) The independent certified public accountant agrees to make the audit work papers available to the director or the director's designee.

(3) The captive insurance company shall require the independent certified public accountant to do both of the following:

(a) Make the work papers prepared in the conduct of the captive insurance company's audit available to the director.

(b) Retain the audit work papers for a period not less than 7 years after the last day of the applicable reporting period.

(4) The director may, at his or her discretion, exempt a captive insurance company from the requirements of this rule.

R 500.107 Scope of approval of certificate of authority.

Rule 7. If the director approves a captive insurance company limited certificate of authority application, the approval is only for the applicant's qualification for the limited certificate of authority. The approval does not indicate or suggest that the director has considered, opined on, or approved any of the following:

- (a) The qualifications or application of the applicant for any other purpose.
- (b) Additional captive special purpose securitizations proposed by a special purpose financial captive.
- (c) Protected cells not authorized by the certificate of authority granted to the applicant.

R 500.108 Duty to disclose changes in information.

Rule 8. The holder of a limited certificate of authority has an ongoing duty to promptly disclose any material changes in information to the director as soon as the holder of the limited certificate of authority becomes aware of the change. The holder of a limited certificate of authority shall submit to the director for review and approval before implementation of the following:

- (a) Any material modifications to the captive's plan of operation.
- (b) Any proposed new special purpose securitization proposed by a special purpose financial captive.
- (c) Any new protected cell programs.

R 500.109 Obligation to report certain events.

Rule 9. An applicant for a limited certificate of authority and the holder of a limited certificate of authority shall provide written notice to the director at the time the applicant or holder becomes aware of any of the following:

- (a) Any change in the officers, directors, or managers of the captive insurance company.
- (b) Insolvency or impairment of capital or retained earnings.
- (c) Failure to meet the requirements of section 4611 of the act, MCL 500.4611, if applicable.
- (d) The suspension or revocation of the certificate of authority or equivalent authorization of a branch captive insurance company in the jurisdiction in which the company was formed.
- (e) A captive insurance company that is a limited liability company is no longer in good standing under section 207a of 1993 PA 23, MCL 450.4207a.
- (f) The captive insurance company fails to remove or discharge an officer or director of the company within 30 days after the director of the department of insurance and financial services makes a written request that the officer or director of the company should be removed or discharged.
- (g) The captive insurance company fails to pay any final judgment rendered against it in this state on any policy, bond, recognizance, or undertaking issued or guaranteed by it within a reasonable period of time after entry of the final judgment.

R 500.110 Investigative hearings.

Rule 10. (1) The director may initiate an investigation, undertake an examination, or take such other action as the director, in the exercise of discretion, determines is necessary or appropriate to assure the holder of a limited certificate of authority complies with all applicable provisions of the act.

(2) The director may conduct hearings for any of the following:

- (a) To investigate an applicant, an application, or a holder of a limited certificate of authority.
- (b) To gather information in furtherance of acting on an application for a limited certificate of authority.

(c) To investigate alleged violations of the applicable provisions of the act or these rules by a holder of a limited certificate of authority.

(3) The director may require captive managers, officers, directors, shareholders, members of an applicant, or holders of a limited certificate of authority to testify or to produce documents, records, or other materials at a proceeding conducted under this rule.

(4) The director may issue subpoenas for the production of persons, documents, or other items at a proceeding conducted under this rule.

(5) All testimony at proceedings conducted under this rule shall be given under oath or affirmation.

(6) All proceedings under this rule shall be conducted in compliance with the contested hearing procedures of the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328, and R 500.2101 to R 500.2142.

(7) The director shall direct the applicant or holder of a limited certificate of authority to pay the expenses and charges associated with an investigative hearing.

R 500.111 Limited certificate of authority as a revocable privilege.

Rule 11. The holder of a limited certificate of authority has an ongoing duty to comply with all applicable provisions of the act. A limited certificate of authority is not a property right, but is a revocable privilege contingent upon compliance with all applicable provisions of the act and regulations promulgated thereunder.

ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

FOREST RESOURCES DIVISION

OPEN AND PRESCRIBED BURNING

Filed with the Secretary of State on June 24, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Department of Natural Resources by sections 51503 and 51513 of Part 515 of 451 PA 1994, MCL 324.51503 and MCL 324.51513)

R 281.423 of the Michigan Administrative Code is amended as follows:

R 281.423 Open burning permits; procedures for obtaining; conditions.

Rule 3. (1) A burning permit shall be obtained from a department representative or local unit of government. The permittee shall meet all conditions of the permit at all times. Noncompliance with permit conditions is considered grounds to rescind the permit.

(2) A permit for burning is required whenever the ground is not snow-covered, and may be rescinded by the issuing agency at any time it considers burning conditions are too extreme.

(3) Permits for burning may be issued in writing, over the telephone, or over the internet. Permits for burning debris from vegetative land clearing shall be issued in writing.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY TECHNICIANS

Filed with the Secretary of State on

Proposed Draft May 1, 2015

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16148, 17707, 17731, 17739, 17739a, 17739b, and 17739c, of 1978 PA 368, as amended, MCL 333.16145(3), 333.16148, 333.17703, 333.17707, 333.17731, 333.17739, 333.17339a, 333.17739b, and 17739c and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.3651, R 338.3653, R 338.3655, R 338.3657, R 338.3659, R 338.3661, R 338.3663, and R 338.3665 are added to the Michigan Administrative Code as follows:

R 338.3651 Pharmacy technician licensure; eligibility; examination.

Rule 1. An applicant for licensure as a pharmacy technician shall submit a completed application on a form provided by the department, together with the appropriate fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall comply with all of the following requirements:

(a) Have met the requirements specified in section 17739a(1)(b) and (c) of the code, MCL 333.17739a(1)(b) and (c).

(b) Unless exempt under section 17739a(4) of the code, MCL 333.17739a(4), have passed and provided proof to the department of passing any of the following examinations:

(i) Examinations specified in section 17739a(1)(d)(i) and (ii) of the code, MCL 333.17739a(1)(d)(i) and (ii).

(ii) A nationally recognized pharmacy technician certification examination that covers the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a(1)(d)(iv), and has been approved by the board.

(iii) An employer-based training program examination with a minimum of 100 questions that covers the topics specified in section 17739a(1)(d)(iv) of the code, MCL 333.17739a(1)(d)(iv), and has been approved by the board pursuant to both of the following:

(A) The employer submits to the department at least 60 days prior to administering the examination a completed application for approval of the examination, the examination, and the answers to the examination.

(B) Approval of the examination shall be valid until the examination is changed.

R 338.3653 Licensure by endorsement.

Rule 3. (1) An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and administrative rules promulgated under the code, an applicant shall satisfy both of the following requirements:

(a) Have met the requirements specified in section 17739a(1)(b) and (c) of the code, MCL 333.17739a(1)(b) and (c).

(b) Meet 1 of the following requirements:

(i) If licensed less than 5 years in another state, submit proof that the applicant passed 1 of the approved examinations specified in R 338.3651(b).

(ii) If licensed 5 or more years in another state, the applicant is presumed to meet the requirements of section 17739a(1)(d) of the code, MCL 333.17739a(1)(d).

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified by the licensing agency of another state of the United States in which the applicant holds a current license or ever held a license as a pharmacy technician. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

R 338.3655 Approved pharmacy technician programs.

Rule 5. (1) Pursuant to sections 16171(a), 17739(2), and 17739a(1) of the code, MCL 333.16171(a), MCL 333.17739(2), and MCL 333.17739a(1), a student in an approved pharmacy technician program is exempt from, and not eligible for, licensure while in the program. Any of the following pharmacy technician programs are considered board-approved for this purpose:

(a) A pharmacy technician program that is accredited by the accreditation council for pharmacy education (acpe).

(b) A pharmacy technician program that is offered by a pharmacist education program that is accredited by the accreditation council for pharmacy education (acpe).

(c) A comprehensive curriculum-based pharmacy technician education and training program conducted by a school that is licensed pursuant to the Proprietary Schools Act, 1943 PA 148, MCL 395.101 to 395.103.

(d) A pharmacy technician training program utilized by a pharmacy or employer that includes specific training in the functions, specified in MCL 333.17739(1), required to assist the pharmacist in the technical functions associated with the practice of pharmacy.

(2) The contents of the training programs offered under subdivisions (c) and (d) of subrule (1) of this rule shall include, at a minimum, all of the following:

(a) The duties and responsibilities of the pharmacy technician and a pharmacist, including the standards of patient confidentiality and ethics governing pharmacy practice.

(b) The tasks and technical skills, policies, and procedures related to the pharmacy technician's position pursuant to the duties specified in section 17739(1) of the code, MCL 333.17739(1), and R 338.3665.

(c) The pharmaceutical-medical terminology, abbreviations, and symbols commonly used in prescriptions and drug orders.

(d) The general storage, packaging, and labeling requirements of drugs, prescriptions, or drug orders.

(e) The arithmetic calculations required for the usual dosage determinations.

- (f) The essential functions related to drug purchasing and inventory control.
- (g) The recordkeeping functions associated with prescriptions or drug orders.
- (3) To gain approval under subdivisions (c) and (d) of subrule (1) of this rule, an application shall be submitted to the department on a form provided by the department, along with an attestation form that verifies compliance with the information required by subrule (2) of this rule.
- (4) A record of a student's pharmacy technician training and education shall be maintained by the pharmacy technician training program, employer, or pharmacy specified in subrule (1) of this rule for a period of 2 years and shall include both of the following:
 - (a) The full name and date of birth of the pharmacy technician student.
 - (b) The starting date of the pharmacy technician education program and date the student successfully completed the program.

R 338.3657 Requirements for relicensure; pharmacy technician.

Rule 7. (1) An applicant whose Michigan pharmacy technician license has lapsed under the provisions of section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), and is not currently licensed in another state may be relicensed by submitting a completed application on a form provided by the department, together with the appropriate fee, and complying with the following requirements:

Length of period of lapsed license	Lapsed 0-3 Years	Lapsed more than 3 years
<u>Application and fee:</u> Submit a completed application on a form provided by the department, together with the requisite fee	√	√
<u>Continuing education:</u> Submit proof of having completed 20 hours of continuing education specified in R 338.3661(1)(a)(i) which was completed within the 2-year period immediately preceding the application for relicensure.	√	√
<u>Examination:</u> Within 2 years of the period immediately preceding the application for relicensure, pass 1 of the examinations specified in R 338.3651(b)(i to iii).		√

(2) An applicant whose Michigan pharmacy technician license has lapsed and who holds a current and valid license in another state shall comply with all of the following:

- (a) Submit a completed application on a form provided by the department, together with the requisite fee.
- (b) Submit proof of having completed 20 hours of continuing education or passing an exam specified in R 338.3661(1)(d)(ii) which was completed within the 2-year period immediately preceding the application for relicensure.
- (c) An applicant's license shall be verified by the licensing agency of all other states of the United States in which the applicant holds a current license or ever held a license as a pharmacy technician. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

R 338.3659. Training standards for identifying victims of human trafficking; requirements.

Rule 9. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content covering all of the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally-recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training may include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

- (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
- (b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:
 - (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule shall apply for license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

R 338.3661 Continuing education or exam; renewal requirements.

Rule 11. (1) A licensee seeking renewal of a pharmacy technician's license shall comply with all of the following

- (a) Complete and submit an application for renewal.
- (b) Pay the required renewal fee.
- (c) Comply with R 338.3659.
- (d) Comply with 1 of the following:
 - (i) Complete at least 20 hours of continuing education courses or programs as follows:

(A) No more than 12 hours of continuing education credit may be earned during a 24-hour period.

(B) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity that the licensee has already earned credit for during the renewal period shall not be granted.

(C) If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.

(D) At least 5 of the continuing education credits shall be earned by attending live courses, programs or activities that provide for direct interaction with instructors, peers, and participants, including but not limited to lectures, meetings, symposia, real-time teleconferences or webinars, and workshops.

(E) Continuing education credit shall be earned as follows:

Subjects		Number of continuing education hours required or permitted for each activity
A	Pain and symptom management relating to the practice of pharmacy	Minimum: 1 hour
B	Patient safety	Minimum: 1 hour
C	Pharmacy law	Minimum: 1 hour
D	Pharmacy-related subject matter including the following topics: <ul style="list-style-type: none"> • Medication or drug distribution. • Inventory control systems. • Mathematics and calculations. • Biology. • Pharmaceutical sciences. • Therapeutic issues. • Pharmacy operations. • Pharmacology, drug therapy or drug products. • Preparation of sterile products. • Prescription compounding. • Drug repackaging. • Patient interaction or interpersonal skills and communication. 	Minimum: 17 hours in any combination of D listed subjects. Instruction in each D listed subject is not required. Example 1: Biology, 5 hours; Drug repackaging, 4 hours; Pharmacy operations, 8 hours; total: 17hours. Example 2: Prescription compounding, 17 hours; total: 17 hours.

(ii) Complete a proficiency examination as specified in R 338.3651(b)(i) to (iii).

(2) Submission of an application for renewal shall constitute the applicant's certification of compliance with this rule. The licensee shall retain documentation of meeting the requirements of this rule for a period of 3 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

R 338.3663 Continuing education providers; standards for approval.

Rule 13. (1) Continuing education for pharmacy technicians that is offered or approved by any of the following providers meets the requirements of R 338.3661(1):

(a) A pharmacy technician educational program that has been approved pursuant to R 338.3655.

(b) Another state board of pharmacy.

(2) A continuing education provider that is not pre-approved under subrule (1) of this rule may be approved by the board. To be approved by the board, the provider shall comply with subrules (2), (3), and (4) of this rule, complete an application provided by the department, and file it with the department for review no later than 60 days before the program date. The application and supporting documentation shall include all of the following information:

(a) A program schedule, including date of the program, topics, the name of speaker, and break times.

(b) An explanation of how the program is being designed to further educate pharmacy technicians, including a short narrative describing the program content and the criteria for the selection of this topic.

(c) Copies of instructional objectives that have been developed.

(d) Copies of all promotional and advertising materials for the program.

(e) The name, title and address of the program director and a description of his or her qualifications to direct the program.

(f) A description of how the amount of continuing education credit to be awarded for this program was determined.

(g) A description of how participants will be notified that continuing education credit has been earned.

(h) A description of the physical facilities, lab, or pharmacy available to ensure a proper learning environment.

(i) A copy of the curriculum vitae for each instructional staff member.

(j) A description of the delivery method or methods to be used and the techniques that will be employed to assure active participation.

(k) A copy of the post-test instrument that will be used for participant evaluation.

(l) A description of how post tests will be administered, corrected, and returned to participants.

(m) A description of how post-test performance will influence the awarding of continuing education credit.

(n) A description of how attendance will be monitored, including sample documents, and the name of the person monitoring attendance.

(3) The continuing education program approved under subrule (2) of this rule shall meet all of the following:

(a) Be an organized program of learning that that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of pharmacy and be designed to reflect the educational needs of pharmacy technicians.

(b) Have a scientific and educational integrity and contain generally accepted pharmacy practices.

(c) Have an outline which demonstrates consistency with the course description and reflects the course content.

(d) Be taught in a manner appropriate to the educational content, objectives, and purpose of the program and allow suitable time to be effectively presented to the audience.

(e) Provide instructors who have the necessary qualifications, training, and experience to teach the course.

(f) Provide for active participation and involvement from the participants.

(g) Offer educational materials for each continuing education activity that will enhance the participant's understanding of the content and foster applications to pharmacy practice.

(h) Include learning assessments in each activity that allow pharmacy technicians to assess their achievement of the learned content. Completion of a learning assessment is required for continuing education content.

(4) The program provider or sponsor approved under subrule (2) of this rule shall issue certificates or letters of attendance that include all of the following:

(a) The name of the sponsor.

(b) The name of the program.

(c) The name of the attendee.

(d) The date of the program.

(e) The Michigan approval number as assigned by the department.

(f) The signature of the person responsible for attendance monitoring and his or her title.

(g) The number and type of hours attended.

R 338.3665 Performance of activities and functions; delegation.

Rule 15. In addition to performing the functions described in section 17739(1) of the code, MCL 333.17739(1), a licensed pharmacy technician may also engage in reconstituting dosage forms as defined in 17702(4) of the code, MCL 333.17702(4), under the delegation and supervision of a licensed pharmacist.

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING (CORRECTED)

July 23, 2015

Michigan Department of Licensing and Regulatory Affairs

Location: G. Mennen Williams Building Auditorium

525 W. Ottawa St., Lansing, Michigan

9:45 a.m. – 11:45 a.m.

Board of Pharmacy – Pharmacy Technician Licensure
(ORR #2015-006 LR)

Authority: MCL 333.16145, MCL 333.16148, MCL 333.17731, MCL 333.17739, MCL 333.17739a, and MCL 333.17739b.

Overview: Public Act 413 of 2014 requires the licensure of pharmacy technicians beginning June 30, 2015. This act, and PA 280 of 2014, require rules that specify: licensure, eligibility, and examination standards; standards for licensure by endorsement and relicensure; standards for renewing a pharmacy technician license, including acceptable continuing education offerings or proficiency testing; activities and functions a pharmacy technician may perform in addition to those specified in MCL 333.17739(1). The rules will also include requirements for new applicants and renewing licensees to complete training in recognizing the signs of human trafficking.

The rules will take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules.

Comments on the proposed rules may be presented in person at the public hearing. Written comments may be submitted at the time of presentation and will also be accepted until 5:00 p.m. on July 24, 2015, at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Health Care Services – Rules Public Hearings
P.O. Box 30670
Lansing, MI 48909-8170
Attention: Policy Analyst Email: bhcs-boardsupport@michigan.gov

A copy of the proposed rules may be obtained by contacting (517) 373-0042 or at the email address noted above. Electronic copies also may be obtained at the following link:

http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Professional+Licensing

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for

everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 335-1341. LARA is an equal opportunity employer/program.

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

STATE OF MICHIGAN

BILL SCHUETTE, ATTORNEY GENERAL

STILLE-DEROSSETT-HALE SINGLE Building official as employee of
STATE CONSTRUCTION CODE ACT: governmental subdivision.

CONFLICT OF INTEREST:

The Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501 *et seq.*, as amended by 2012 PA 103, expressly requires that a building official be employed by the governmental subdivision for which the building official is administering and enforcing the State Construction Code. MCL 125.1502a(1)(i). The test to be applied in determining whether a building official is an employee of the governmental subdivision is the economic realities test.

The Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501 *et seq.*, as amended by 2012 PA 103, which requires that a building official be employed by the governmental subdivision for which building official is administering and enforcing the State Construction Code, also expressly permits the building official to be employed with a private organization that assists governmental subdivisions with State Construction Code administration and enforcement. MCL 125.1502a(1)(i). However, contracts and business transactions involving the building official, the governmental subdivision, and the private organization are subject to applicable conflict of interest provisions. MCL 125.1509(2).

Opinion No. 7285

July 9, 2015

The Honorable Bruce R. Rendon
State Representative
The Capitol
Lansing, MI 48909

You ask whether the Stille-DeRossett-Hale Single State Construction Code Act
(Construction Code Act), 1972 PA 230, MCL 125.1501 *et seq.*, requires a governmental

subdivision's building official to be an employee of the subdivision, or may the building official instead be an employee of the private organization operating the building department by contract.

Information included with your request presents the following scenario. A city has contracted with a private organization to operate the city's building department. The "building official" that operates the city's building department is identified in the agreement as an employee of both the city and the private organization retained to operate the building department. The building official, however, is paid by the private organization and no other factors supporting an employee-employer relationship between the city and the building official are identified.

Before addressing your question, it is helpful to provide an overview of the administration and enforcement of the Construction Code Act, and its prior interpretation by this office.

The Construction Code Act establishes the authority of the Director of the Department of Licensing and Regulatory Affairs to prepare and promulgate a State Construction Code. *Rakowski v Sarb*, 269 Mich App 619, 628 n 4; 713 NW2d 787 (2006). The Construction Code Act provides that the code shall consist of "rules governing the construction, use, and occupation of buildings and structures." MCL 125.1504(1). And that the code "shall be divided into sections . . . including . . . building, plumbing, electrical, and mechanical sections." MCL 125.1504(4). Pursuant to this authority, a State Construction Code (Code) was promulgated, and is set forth in the Michigan Administrative Code. Mich. Admin Code, R 408.30101 – 408.31194.

A two-tiered method exists for the administration and enforcement of the Code and its various sections—building, electrical, mechanical, and plumbing. The Construction Code Act first grants to the Director of the Department of Licensing and Regulatory Affairs, or the director’s authorized representative, the responsibility for administering and enforcing the Code throughout the State. MCL 125.1508b(1). State authority is exercised through the Bureau of Construction Codes.

Alternatively, a governmental subdivision (a county, city, village, or township) may assume responsibility for these same functions within its jurisdiction by adopting an ordinance. MCL 125.1508b. When a governmental subdivision assumes responsibility for administering and enforcing the Code, it shall designate an “enforcing agency” to discharge the governmental subdivision’s responsibilities. MCL 125.1508b(2). The enforcing agency is defined in the Construction Code Act as the “governmental agency . . . responsible for administration and enforcement of the code within a governmental subdivision.” MCL 125.1502a(1)(t). The enforcing agency is further described as “any official or agent of a governmental subdivision that is registered under the building officials and inspectors registration act . . . qualified by experience or training to perform the duties associated with construction code administration and enforcement.” MCL 125.1508b(3). The governmental subdivision’s registered officials are thereafter responsible for enforcing the various requirements of the Code. MCL 125.1512.

Nearly 40 years ago, Attorney General Frank Kelley was asked if a governmental subdivision may engage the “services of a qualified private firm to provide construction inspection and other related functions, and what, if any, guidelines must be established.” OAG, 1975-1976, No 4885, p 126 (August 15, 1975). Attorney General Kelley’s opinion incorporated three core principles.

First, the Attorney General examined the enforcing agency's authority.

In my opinion the powers and duties imposed on the designated "enforcing agency" by Sections 10, 11, 12, 13 and 14 of the [State Construction Code Act] must be exercised and performed *by a public official or governmental agency*. [*Id.*, p 127; emphasis added.]

Next, the Attorney General acknowledged the authority of a governmental subdivision to contract with a private firm.

In my view, the governmental units may contract with private organizations in accordance with the requirements of their local ordinances for inspection or other technical assistance which would assist the enforcing agency in the administration and enforcement of the Act and Code. [*Id.*]

Finally, the Attorney General addressed the enforcing agency's police powers.

Any formal action on the basis of such inspections or other technical services *should be made by the designated enforcing agency* and not by the private individual performing the inspections or other technical services. [*Id.*; emphasis added.]

The last statement is consistent with the proposition that enforcement of the Construction Code Act is a police power that cannot be abridged, bargained away, or impaired by contract. See *Marquette County v Bd of Control of Northern Michigan*, 111 Mich App 521, 524; 314 NW2d 678 (1981); *Petz v Detroit*, 95 Mich 169, 180; 54 NW 644 (1893). See also *Detroit v Mich Bell Telephone Co*, 374 Mich 543, 552; 132 NW2d 660 (1965).

In 1986, the Legislature enacted the Building Officials and Inspectors Registration Act (BOIRA), 1986 PA 54, MCL 338.2301 *et seq.* Subsection 6(1), MCL 338.2306(1), of the BOIRA instituted an application and registration requirement for "a building official, plan reviewer, or inspector." See also OAG, 1989-1990, No 6576-A, p 72, 76 (March 10, 1989) (this

legislation “imposes a duty upon the State Construction Code Commission to register and regulate building officials, plan reviewers and inspectors”). The legislation prescribes the process for registering those who perform inspection and plan review activities. It is designed to improve the competence of building officials, inspectors, and plan reviewers. See MCL 338.2304(1). And it accomplishes this objective through the establishment of minimum training and experience standards, qualifications, and classifications of responsibility applicable to persons engaged in the enforcement of codes and plan reviews. See MCL 338.2304(2)(a).

The BOIRA included a definition of “building official” that focuses on the tasks the individual performed, not on the official’s employment status with a governmental subdivision:

“Building official” means a construction code enforcement person working as an inspector, or plan reviewer, or actively engaged in the administration and enforcement of adopted building, electrical, mechanical, or plumbing codes, or any combination of these codes. [MCL 338.2302(d).]

Relying on OAG No 4885 and the definition of “building official” in the BOIRA, some governmental subdivisions hired independent contractors to serve as building officials.¹ Others contracted with private organizations for assistance in administering and enforcing the Construction Code Act and the Code; including appointing a firm’s employee as the governmental subdivision’s building official.²

But in 2012, the Legislature enacted Public Act 103, which made several amendments to the Construction Code Act relevant to your question. According to legislative analysis, the

¹ See, e.g., *Giera v City of Belleville*, unpublished opinion per curiam of the Court of Appeals, decided June 19, 2012 (Docket No. 294959) (reviewing whether building official was an employee or independent contractor).

² See, e.g., *Nguyen v Professional Code Inspections of Michigan, Inc*, unpublished opinion per curiam of the Court of Appeals, decided July 15, 2004 (Docket No. 247584), rev’d in part 472 Mich 885 (2005), reconsideration den 473 Mich 886 (2005)(discussing application of governmental immunity to building official appointed by private firm).

purpose of the amendments was to codify the ability of governmental subdivisions to contract with private organizations to assist in the administration and enforcement of the code within their communities, consistent with OAG No 4885, to clarify that a building official must be an employee of the governmental subdivision, and to enumerate what responsibilities may be delegated to the private organizations to perform. House Fiscal Analysis, HB 5011, November 29, 2011, pp 1-2.

A “building official” is now defined in the Construction Code Act as:

[A]n individual *who is employed by a governmental subdivision* and is charged with the administration and enforcement of the code and who is registered in compliance with the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313. *This individual may also be an employee of a private organization.* [MCL 125.1502a(1)(i); emphasis added.]

And a private organization may contract with a governmental subdivision to do the following work, some of which is expressly subject to approval by the building official:

(1) A governmental subdivision may contract with a private organization to do 1 or more of the following on behalf of the enforcing agency:

(a) Receive applications for building permits.

(b) Receive payments of fees and fines on behalf of the governmental subdivision.

(c) Perform plan reviews using plan reviewers registered under the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313.

(d) Perform inspections using inspectors registered under the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313.

(e) Approve temporary service utilities.

(f) Make determinations that structures or equipment are unsafe.

(g) Process and deliver correction notices.

- (h) In emergency situations, issue orders to connect or disconnect utilities.
- (i) In emergency situations, issue orders to vacate premises.
- (j) Process and deliver any of the following *after its issuance has been approved by the building official*:
 - (i) In nonemergency situations, orders to connect or disconnect utilities.
 - (ii) In nonemergency situations, orders to vacate premises.
 - (iii) Building permits.
 - (iv) Temporary or permanent certificates of use and occupancy.
 - (v) Orders to suspend, revoke, or cancel a building permit or certificate of occupancy.
 - (vi) Violation notices.
 - (vii) Notices to appear or show cause.
 - (viii) Stop work orders.
 - (ix) Orders to remedy noncompliance. [MCL 125.1509(1)(a)-(j)(ix); emphasis added.]

In light of the requirement that a building official be an employee of the governmental subdivision, but may also be an employee of a private company that performs code enforcement services, you ask whether the governmental subdivision “must employ the building official . . . as the concept of employment has traditionally been defined by Michigan law, or whether the building official may instead be an employee of the private organization operating the [subdivision’s] building department.”

Your question is based on the agreement described above between the city and the private organization for code administration and enforcement that identifies the building official as a “co-employee” of the city, but the private organization is responsible for paying the building official. This question will be addressed in two parts.

I. A building official must be employed by the governmental subdivision for which the official provides State Construction Code administration and enforcement services.

Under well-established rules of statutory construction, every statute is to be enforced according to its plain meaning. *Roberts v Mecosta County Gen Hosp*, 466 Mich 57, 63; 642 NW2d 663 (2002). And “[e]ach word of a statute is presumed to be used for a purpose.” *Levy v Martin*, 463 Mich 478, 493-494; 620 NW2d 292 (2001), quoting *Robinson v Detroit*, 462 Mich 439, 459; 613 NW2d 307 (2000). Effect must be given to “every word, phrase, and clause in a statute” so as to “avoid an interpretation that would render any part of the statute surplusage or nugatory.” *State Farm Fire and Cas Co v Old Republic Ins Co*, 466 Mich 142, 146; 644 NW2d 715 (2002).

Here, the amendments to the Construction Code Act made plain that the “building official” must be “employed” by the “governmental subdivision” for which the building official provides State Construction Code administration and enforcement services. MCL 125.1502a(1)(i).

In Michigan, the economic realities test is the most common tool for determining whether an employee-employer relationship exists. *Buckley v Professional Plaza Clinic Corp*, 281 Mich App 224, 234; 761 NW2d 284 (2008). (“Although primarily applied in the context of remedial legislation . . . courts have found the test instructive in other contexts as well.”) The factors to be considered under the economic realities test are (1) control of a worker’s duties; (2) payment of wages; (3) right to hire, fire, and discipline; and (4) performance of the duties as an integral part of the employer’s business toward achieving a common goal. *Clark v United Technologies Automotive, Inc*, 459 Mich 681, 688; 594 NW2d 447 (1999); *Mantei v Michigan Public School Employees Retirement System*, 256 Mich App 64, 78-79; 663 NW2d 486 (2003). “This test

considers the totality of the circumstances surrounding the work performed. No single factor is controlling and, indeed, the list of factors is nonexclusive and other factors may be considered as each individual case requires.” *Id.* at 78-79. (Citations omitted.)

Application of the economic realities test and the determination of whether there is an employer-employee relationship between the city and the building official under the agreement provided to this office is fact-intensive and beyond the scope of the opinions process, which is generally reserved for addressing questions of law. MCL 14.32; see, e.g., *Michigan Beer & Wine Wholesalers Ass’n v Attorney General*, 142 Mich App 294, 300-301; 370 NW2d 328 (1985). This office, therefore, cannot opine with respect to the status of the relationship between the building official and the city.

However, a cursory review of the agreement reveals that (1) the private organization assumes full responsibility “for training, overseeing, and managing the building official,” which suggests that the private organization has control over the building office; (2) the private organization is solely responsible for “all compensation, fringe benefits, including retirement programs and insurance” for the building official; (3) the private organization has the authority to hire the candidate for building official, or hire or retain the current building official, and is responsible for addressing complaints against its employees; and (4) the agreement describes the services to be provided by the private organization to the city as those supplied by an “independent contractor,” and disavows the creation of any employer-employee relationship (although it does describe the building official as a “co-employee”). These factors tend to weigh

against the existence of an employer-employee relationship between the city and the building official.¹

It is my opinion, therefore, that the Construction Code Act, as amended by 2012 PA 103, expressly requires that a building official be employed by the governmental subdivision for which the building official is administering and enforcing the State Construction Code. MCL 125.1502a(1)(i). The test to be used in determining whether a building official is an employee of the governmental subdivision is the economic realities test.²

¹ See n1, *Giera v City of Belleville*, (discussing whether building official was an independent contractor or employee).

² Notably, Public Act 103's requirement that the building official be an employee of the governmental subdivision applies prospectively, and thus would not apply to contracts or agreements pre-existing the Act's April 24, 2012, effective date. See, e.g., *Seaton v Wayne Co Prosecutor (On Second Remand)*, 233 Mich App 313, 316; 590 NW2d 598 (1998) ("Under Michigan law, the general rule of statutory construction is that a new or amended statute applies prospectively . . ."). However, any contracts or agreements entered into or renewed after that date are subject to the Act.

II. A building official may also be employed by a private organization that assists governmental subdivisions with State Construction Code administration and enforcement services but is subject to conflict of interest principles.

In addition to requiring that the building official be employed by the governmental subdivision for which the official is providing administrative and enforcement services, Public Act 103 confirmed in subsection 2a(1)(i), MCL 125.1502a(1)(i), that the building official “may also be an employee of a private organization.” Thus, the building official may be a dual employee.

Your request specifically raises the issue of whether a building official may be an employee of the private organization that has been contracted to assist with code administration and enforcement under subsection 9(1), MCL 125.1509(1), of the Construction Code Act.

The Legislature contemplated that such a scenario may arise because it added a subsection regarding conflicts of interest at the same time it amended the definition of “building official” to specify that this official may be a dual employee:

Unless the governmental subdivision has a conflict of interest ordinance that applies to a contract under subsection (1), such a contract entered into or renewed after the effective date of the amendatory act that added this subsection shall include or incorporate by reference conflict of interest provisions. [MCL 125.1509(2).]

Public officials and employees are expected to act in the best interests of the public entities they serve. “A public office is a public trust, and the courts have imposed a fiduciary standard upon public officials that requires disinterested conduct.” OAG, 2003-2004, No 7125, pp 10, 11 (February 20, 2003) (citing OAG, 1997-1998, No 6931, p 5 (February 3, 1997), citing

Wilson v Highland Park City Council, 284 Mich 96, 104; 278 NW 778 (1938)). In general, a public officer or employee cannot act contrary to the interests of the public:

[M]ay not use his or her official power to further his or her own interest and is not permitted to place herself or himself in a position that will subject him or her to conflicting duties—that is in a position where his or her private interest conflicts with his or her public duty—or cause him or her to act, or expose him or her to the temptation of acting, in any manner other than in the best interests of the public. . . . A conflict of interest arises when the public official has an interest not shared in common with the other members of the public. . . . When conflicts of interest arise between an office holder’s private interests and public duties, it is proper that the office holder recuse himself or herself from the matter in which the conflict arises. [63C Am Jur 2d, Public Officers and Employees, § 246.]

With respect to state law, the Public Servants’ Conflict of Interest Act, 1968 PA 317, MCL 15.321 through MCL 15.330, establishes conflict of interest provisions regarding contracts involving public servants and public entities, which would include buildings officials and the governmental subdivision with which the building official is employed.

MCL 15.322 provides, in part:

(1) Except as provided in sections 3 and 3a, a public servant shall not be a party, directly or indirectly, to any contract between himself . . . and the public entity of which he . . . is an officer or employee.

(2) . . . a public servant shall not directly or indirectly solicit any contract between the public entity of which he or she is an officer or employee and any of the following:

(a) Him or herself.

(b) Any firm, meaning a co-partnership or other unincorporated association, of which he or she is a partner, member, or employee.

* * *

(3) In regard to a contract described in subsection (2), a public servant shall not do either of the following:

(a) Take any part in the negotiations for such a contract or the renegotiation or amendment of the contract, or in the approval of the contract.

(b) Represent either party in the transaction.¹

This Act generally prohibits a public servant from being directly or indirectly interested in a contract between the public servant and the public entity of which he or she is an employee, or from directly or indirectly soliciting or negotiating such contracts. MCL 15.322(1)-(3). Any person who violates these provisions is “guilty of a misdemeanor.” MCL 15.327.¹

Because the Construction Code Act expressly provides that a building official may be an employee of a private organization, and does not otherwise provide that the private organization cannot be the same organization that has contracted with the building official’s governmental subdivision, such dual employment is not prohibited by the Construction Code Act. *United Parcel Service, Inc v Bureau of Safety and Regulation*, 277 Mich App 192, 202; 745 NW2d 125 (2007) (A court “may not read into a statute or rule that which is not within the manifest intention of the Legislature as gathered from the statute itself.”). Although not statutorily precluded, such dual employment may raise conflict of interest concerns with respect to any contract, which concerns warrant review under the Public Servants’ Conflict of Interest Act and any other applicable conflicts of interest provisions.

This interpretation is consistent with the statutory language and the intent of the Legislature in enacting PA 103. The Legislature was aware that governmental subdivisions commonly contracted out code administration and enforcement services. See House Fiscal

¹ Section 1(a), MCL 15.321(1)(a), provides that “[p]ublic servant” includes “all persons serving any public entity.” And section 1(b), MCL 15.321(1)(b), provides that a “[p]ublic entity” means “the state including all agencies thereof, any public body corporate within the state, including all agencies thereof, or any non-incorporated public body within the state of whatever nature, including all agencies thereof.”

Analysis, HB 5011, November 29, 2011, pp 1-2.² The Legislature expressly provided for such contracts and permitted a building official to be an employee of a private organization who provides such services subject to conflict of interest rules. Indeed, not every dual employment situation will present a conflict of interest.

For example, a building official that is an employee of the private organization that serves the building official's governmental subdivision might only provide services as an employee to other governmental subdivisions. In other words, the building official for city "A" works as an employee of the private organization but the official only provides code enforcement and administration services to city "B" as an employee of the organization. Circumstances such as these are unlikely to raise conflict of interest concerns. However, where the building official intends to provide services to city "A," a conflict of interest is more likely. At a minimum, the building official has an indirect financial interest in any contract between the private organization and the city because of the building official's status as an employee of the private organization. See, e.g., *Detroit Area Agency on Aging v Office of Services to the Aging*, 210 Mich App 708, 717; 534 NW2d 229 (1995), lv den 451 Mich 897 (1996). This is because the private organization would benefit financially from the contract with the city, and in theory so would its employees.

And aside from having a financial interest in the contract, providing services to the city as the employee of the private organization may result in the building official acting other than in the best interests of the city. 63C Am Jur 2d, Public Officers and Employees, § 246. For

¹ In addition, it is a crime at Michigan common law for a public official to engage in misconduct in office. See *People v Perkins*, 468 Mich 448, 456; 662 NW2d 727 (2003). And MCL 750.478 makes it a crime for a public officer to engage in willful neglect of duty.

² See www.legislature.mi.gov/documents/2011-2012/billanalysis/House/pdf/2011-HLA-5011-3.pdf (accessed April 10, 2014).

instance, the building official may be required to review or approve services he or she provided as the employee of the private organization. Absent particular facts, it cannot be determined whether any situation violates conflict of interest principles, but each arrangement requires careful review by the city and the private organization as dual employers of the building official-employee.

It is my opinion, therefore, that the Construction Code Act, which requires that a building official be employed by the governmental subdivision for which the building official is administering and enforcing the State Construction Code, also expressly permits the building official to be employed with a private organization that assists governmental subdivisions with code administration and enforcement. MCL 125.1502a(1)(i). However, contracts and business transactions involving the building official, the governmental subdivision, and the private organization are subject to applicable conflict of interest provisions. MCL 125.1509(2).

A handwritten signature in black ink, reading "Bill Schuette". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end.

BILL SCHUETTE
Attorney General

**NOTICE OF PROPOSED AND
ADOPTED AGENCY GUIDELINES**

MCL 24.208 states in part:

“Sec. 8. (1) The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(h) Notice of proposed and adopted agency guidelines.”

**NOTICE OF PROPOSED AND
ADOPTED AGENCY GUIDELINES**

Michigan Public Service Commission – June 15, 2015

Notice of Proposed Guideline

Issued pursuant to Section 24 1969 PA 306, as amended, being MCL 24.224.

MPSC GUIDELINE 2015-1

GUIDELINE APPLICABLE TO DOCUMENTS FILED ELECTRONICALLY

(By authority conferred on the public service commission by section 7 of Act No. 106 of the Public Acts of 1909, as amended, section 1 of Act No. 144 of the Public Acts of 1909, as amended, section 2 of Act No. 300 of the Public Acts of 1909, as amended, section 13 of Act No. 206 of the Public Acts of 1913, as amended, section 5 of Act No. 419 of the Public Acts of 1919, as amended, section 6 of article 5 of Act No. 254 of the Public Acts of 1933, as amended, section 6 of Act No. 3 of the Public Acts of 1939, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being sections 460.557, 460.301, 462.2, 484.113, 460.55, 479.6, 460.6, and 24.233 of the Michigan Compiled Laws; and sections 2(i), 8, and 12(7) of Act No. 305 of the Public Acts of 2000, as amended, being sections 450.832(i), 450.838, and 450.842(7) of the Michigan Compiled Laws.)

(I) Statement of the terms or substance of proposed guidelines, including the subjects and issues involved.

It has come to the Commission's attention that certain documents proffered for filing contain matter inappropriate for publication on the Commission's website for reasons other than the confidentiality concerns usually addressed by a protective order. This occurs most frequently in dockets calling for public comments or dockets in which comments are filed pursuant to 1999 AC, R 460.17207. As a result, in 2014 the Commission promulgated MPSC Guideline 2014-1, *Guideline Applicable to Documents Filed Electronically*. The Commission now finds that that guideline should be revised to additionally prohibit the filing of advertising and marketing materials in public comment dockets. The Commission maintains dockets for the filing of public comments on issue such as solar energy and smart meters, and has found that these dockets are sometimes used for the purpose of attempting to advertise product or services related to these issues. The Commission will request publication of the proposed revised guideline in the Michigan Register for July 15, 2015.

The proposed revised guideline reads as follows (the revision is in bold):

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This guideline applies to documents filed electronically to the e-dockets website of the Michigan Public Service Commission, including documents filed pursuant to 1999 AC, R 460.17207 (Rule 207) or in response to an invitation for public comments. All information posted on the e-dockets website is public information. The Commission may deny for public posting documents found to contain the following:

a. Information that may be subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), in the absence of a notarized waiver of the rights governed by HIPAA.

b. Hyperlinks or other navigational aids that link to voluminous documents without pinpointing the material within that document that addresses the subject matter of the case, such as links to entire books, newspapers, magazines, or websites. Filers should link to the targeted information. Although hyperlinks may be included in electronically filed documents, the material linked to will not become part of the official record or filing unless the material itself is filed. Filers are also reminded that such materials are usually subject to copyright and other intellectual property rights and may not be reproduced without the prior written consent of the copyright holder. Filers may include hyperlinks to matter for which they have obtained all necessary consents. By submitting content to the e-dockets website, filers warrant and represent that they either own or otherwise control all of the rights to that content, including, without limitation, all the rights necessary to provide, post, upload, input, or submit the content, and that their use of the content is a protected fair use.

c. Language that is offensive, defamatory, obscene, vulgar, inflammatory, or threatening; or which is harmful in its nature including, without limitation, computer viruses, corrupted data, or other potentially harmful software or data; **and advertising or marketing materials as part of public comment.**

Acceptance of a document for filing is not a final determination that the document complies with all of the Commission's requirements and is not a waiver of such requirements. If a filing is rejected, a "Notice of Rejection" explaining why the filing has been rejected will be sent by e-mail to the filer, or the filer will be contacted by other appropriate means.

If a filer discovers an error in the electronic filing or publishing of a document, the filer shall contact the Commission's Executive Secretary as soon as possible. The Commission will review the situation and advise the filing party of how the error will be addressed and what further action by the filer, if any, is required. Ordinarily, any modifications to a published document will require a revised filing with the Commission. If errors in the filing or publishing of a document are discovered by the Executive Secretary, Commission staff will ordinarily notify the filer of the error and advise the filer of what further action, if any, is required to address the error.

(II) Proposed effective date.

September 1, 2015.

(III) Interested parties may express any views regarding the proposed guideline or the guideline's effect on a person to the agency. Written comments may be sent, to the following address.

Written and e-mail comments may be filed with the Commission no later than 5:00 p.m. on August 19, 2015. All comments should reference Case No. U-17574. Written comments should be sent to: Executive Secretary, Michigan Public Service Commission, P. O. Box 30221, Lansing, Michigan 48909. Comments may also be e-mailed to: mpscedockets@michigan.gov. Documents may be submitted electronically through the Commission's E-Dockets Website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an e-mail sent to mpscedockets@michigan.gov. Anyone requiring assistance prior to e-filing may contact the Commission staff at (517) 284-8090 or by e-mail at mpscedockets@michigan.gov. All information submitted to the Commission in this matter will become public information available on the Commission's website and subject to disclosure, and will not remain private.

(IV) Deadline for comments (shall not be less than 35 days after mailing of notice)

August 19, 2015.

(V) The specific statutory provision about which the proposed guideline states a policy.

MCL 450.838, MCL 450.842(7); and 1999 AC, R 460.17105(1).

(2015 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2015 RULE FILINGS)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
30.58	*	9	38.1672	R	1	205.2009	A	9
38.22	R	1	38.1673	R	1	205.2010	A	9
38.23	R	1	38.1674	R	1	205.2011	A	9
38.24	R	1	38.1675	R	1	225.1	R	1
38.25	R	1	38.1676	R	1	225.2	R	1
38.28	R	1	38.1677	R	1	225.3	R	1
38.71	R	1	38.1678	R	1	225.4	R	1
38.72	R	1	38.1679	R	1	225.5	R	1
38.73	R	1	38.1680	R	1	225.6	R	1
38.74	R	1	38.1681	R	1	225.7	R	1
38.75	R	1	38.1682	R	1	225.8	R	1
38.76	R	1	38.1683	R	1	225.9	R	1
38.77	R	1	38.1684	R	1	225.10	R	1
38.78	R	1	38.1685	R	1	247.351	R	1
38.79	R	1	38.1686	R	1	247.403	R	1
38.80	R	1	38.2171	R	1	247.404	R	1
38.81	R	1	38.2172	R	1	247.405	R	1
38.82	R	1	38.2173	R	1	247.406	R	1
38.83	R	1	38.2174	R	1	247.741	R	1
38.84	R	1	38.2175	R	1	247.742	R	1
38.85	R	1	38.2176	R	1	247.748	R	1
38.86	R	1	38.2177	R	1	281.423	*	12
38.1371	R	1	38.2178	R	1	281.811	*	5
38.1372	R	1	38.2179	R	1	285.900.1	R	3
38.1373	R	1	38.2180	R	1	299.4101	*	5
38.1374	R	1	38.2181	R	1	299.4102	*	5
38.1375	R	1	38.2182	R	1	299.4103	*	5
38.1376	R	1	38.2183	R	1	299.4104	*	5
38.1377	R	1	38.2184	R	1	299.4105	*	5
38.1378	R	1	38.2185	R	1	299.4106a	*	5
38.1379	R	1	38.2186	R	1	299.4110	*	5
38.1380	R	1	205.2001	A	9	299.4111	*	5
38.1381	R	1	205.2002	A	9	299.4117	*	5
38.1382	R	1	205.2003	A	9	299.4121	*	5
38.1383	R	1	205.2004	A	9	299.4128	*	5
38.1384	R	1	205.2005	A	9	299.4201	*	5
38.1385	R	1	205.2006	A	9	299.4203	*	5
38.1386	R	1	205.2007	A	9	299.4302	*	5
38.1671	R	1	205.2008	A	9	299.4307	*	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2015 MR 12 – July 15, 2015

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
299.4318	*	5	324.59b	R	1	324.511	*	5
299.4420	*	5	324.59c	R	1	324.613	*	5
299.4428	*	5	324.59d	R	1	324.705	*	5
299.4430	*	5	324.59e	R	1	324.801	*	5
299.4440	*	5	324.61	R	1	324.1015	*	5
299.4701	*	5	324.62	R	1	324.1103	*	5
299.4702	*	5	324.63	R	1	324.1202	*	5
299.4703	*	5	324.64	R	1	324.1204	*	5
299.4706	*	5	324.65	R	1	324.1206	*	5
299.4707	*	5	324.71	R	1	324.1401	A	5
299.4708	*	5	324.72	R	1	324.1402	A	5
299.4709	*	5	324.75	R	1	324.1403	A	5
299.4710	*	5	324.102	*	5	324.1404	A	5
299.4711	*	5	324.130	*	5	324.1405	A	5
299.4712	*	5	324.201	*	5	324.1406	A	5
299.4806	*	5	324.202	*	5	325.9087	R	9
299.4118a	A	5	324.203	*	5	325.9081	*	9
324.1	R	1	324.206	*	5	325.9082	*	9
324.2	R	1	324.210	*	5	325.9083	*	9
324.3	R	1	324.301	*	5	325.9084	*	9
324.21	R	1	324.302	*	5	350.9085	*	9
324.23	R	1	324.303	*	5	325.9086	*	9
324.24	R	1	324.407	*	5	325.9571	R	1
324.31	R	1	324.411	*	5	325.9572	R	1
324.32	R	1	324.102	*	5	325.9573	R	1
324.33	R	1	324.130	*	5	325.9574	R	1
324.41	R	1	324.201	*	5	325.9575	R	1
324.42	R	1	324.202	*	5	325.9576	R	1
324.43	R	1	324.203	*	5	325.9577	R	1
324.51	R	1	324.206	*	5	325.9578	R	1
324.52	R	1	324.210	*	5	325.9579	R	1
324.53	R	1	324.301	*	5	325.9580	R	1
324.54	R	1	324.302	*	5	325.9581	R	1
324.55	R	1	324.303	*	5	325.9582	R	1
324.56	R	1	324.407	*	5	325.22346	R	1
324.57	R	1	324.411	*	5	325.22347	R	1
324.58	R	1	324.413	*	5	325.22348	R	1
324.59	R	1	324.418	*	5	325.22349	R	1
324.59a	R	1	324.503	*	5	325.22350	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
325.22351	R	1	325.50060	*	7	325.51004	R	10
325.22352	R	1	325.50061	*	7	325.51152	*	4
325.22353	R	1	325.50062	*	7	325.51156	*	4
325.22354	R	1	325.50063	*	7	325.51158	*	4
325.22355	R	1	325.50064	*	7	325.51162	*	4
325.22356	R	1	325.50065	*	7	325.51163	*	4
325.22357	R	1	325.50066	*	7	325.51164	*	4
325.22358	R	1	325.50067	*	7	325.51166	*	4
325.22359	R	1	325.50068	*	7	325.51167	*	4
325.22360	R	1	325.50069	*	7	325.51169	*	4
325.22361	R	1	325.50070	*	7	325.51172	*	4
325.22362	R	1	325.50071	*	7	325.51173	*	4
325.47401	A	4	325.50072	*	7	325.51174	*	4
325.47403	A	4	325.50051a	A	7	325.51175	*	4
325.47405	A	4	325.50053a	A	7	325.51151a	A	4
325.47407	A	4	325.50056a	A	7	325.51156a	A	4
325.47408	A	4	325.50056b	A	7	325.51168a	A	4
325.47409	A	4	325.50056c	A	7	325.51177	R	4
325.47410	A	4	325.50056d	A	7	325.51501	*	4
325.47411	A	4	325.50056e	A	7	325.51502	*	4
325.47414	A	4	325.50059a	A	7	325.51505	*	4
325.47415	A	4	325.50059b	A	7	325.51507	*	4
325.47416	A	4	325.50060a	A	7	325.51508	*	4
325.47417	A	4	325.50060b	A	7	325.51509	*	4
325.47418	A	4	325.50061a	A	7	325.51510	*	4
325.47419	A	4	325.50061b	A	7	325.51511	*	4
325.47420	A	4	325.50061c	A	7	325.51513	*	4
325.47424	A	4	325.50062a	A	7	325.51516	*	4
325.47425	A	4	325.50062b	A	7	325.51517	*	4
OHR 4201	R	4	325.50063a	A	7	325.51519	*	4
OHR 4202	R	4	325.50063b	A	7	325.51520	*	4
325.50051	*	7	325.50064a	A	7	325.51521	*	4
325.50052	*	7	325.50064b	A	7	325.51522	*	4
325.50054	*	7	325.50067a	A	7	325.51523	*	4
325.50055	*	7	325.50067b	A	7	325.51524	*	4
325.50056	*	7	325.50067c	A	7	325.51525	*	4
325.50057	*	7	325.50069a	A	7	325.51526	*	4
325.50058	*	7	325.50070a	A	7	325.51501a	A	4
325.50059	*	7	325.50902	R	10	325.51519a	A	4

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
325.51504	R	4	325.51941	*	4	336.1906	*	10
325.51527	R	4	325.51943	*	4	336.1911	*	10
325.51902	*	4	325.51944	*	4	336.1912	*	10
325.51903	*	4	325.51945	*	4	336.1930	*	10
325.51904	*	4	325.51946	*	4	336.1940	*	10
325.51905	*	4	325.51947	*	4	336.1941	*	10
325.51906	*	4	325.51948	*	4	336.1942	*	10
325.51907	*	4	325.51949	*	4	336.1943	*	10
325.51908	*	4	325.51950	*	4	336.1944	*	10
325.51909	*	4	325.51950a	*	4	336.1945	*	10
325.51910	*	4	325.51950b	*	4	336.1946	*	10
325.51912	*	4	325.51951	*	4	336.1947	*	10
325.51913	*	4	325.51952	*	4	336.1948	*	10
325.51914	*	4	325.51953	*	4	336.1949	*	10
325.51915	*	4	325.51955	*	4	336.1950	*	10
325.51916a	*	4	325.51956	*	4	336.1971	*	10
325.51916b	*	4	325.51957	*	4	336.1951	A	10
325.51917	*	4	325.51902a	A	4	336.1952	A	10
325.51918	*	4	325.51924a	A	4	336.1953	A	10
325.51922	*	4	325.51921	R	4	336.1954	A	10
325.51923	*	4	325.51958	R	4	336.1955	A	10
325.51924	*	4	333.101	*	1	336.1956	A	10
325.51925	*	4	333.103	*	1	336.1957	A	10
325.51926	*	4	333.105	*	1	336.1958	A	10
325.51928	*	4	333.109	*	1	336.1959	A	10
325.51929	*	4	333.111	*	1	336.1960	A	10
325.51930	*	4	333.113	*	1	336.1972	A	10
325.51931	*	4	333.117	*	1	336.1931	R	10
325.51931a	*	4	333.119	*	1	336.1932	R	10
325.51932	*	4	333.123	*	1	336.1970	R	10
325.51933	*	4	333.125	*	1	338.1601	R	1
325.51934	*	4	333.131	*	1	338.1602	R	1
325.51935	*	4	333.133	*	1	338.1610	R	1
325.51936	*	4	333.126	A	1	338.1611	R	1
325.51937	*	4	333.107	R	1	338.1614	R	1
325.51938	*	4	333.121	R	1	338.1616	R	1
325.51938a	*	4	333.127	R	1	338.1617	R	1
325.51939	*	4	336.1901	*	10	338.1618	R	1
325.51940	*	4	336.1902	*	10	338.1619	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
338.1620	R	1	339.1761	R	1	400.906	R	1
338.1621	R	1	339.1763	R	1	400.907	R	1
338.1622	R	1	339.1765	R	1	400.908	R	1
338.1623	R	1	339.1767	R	1	400.909	R	1
338.1624	R	1	339.1771	R	1	400.910	R	1
338.1625	R	1	339.23102	*	5	400.911	R	1
338.1626	R	1	339.23403	*	5	400.912	R	1
338.1627	R	1	340.1883	R	1	400.913	R	1
338.1628	R	1	340.1884	R	1	400.914	R	1
338.1629	R	1	340.1885	R	1	400.915	R	1
338.1633	R	1	380.126	R	1	400.916	R	1
338.1634	R	1	380.127	R	1	400.917	R	1
338.1635	R	1	380.128	R	1	400.918	R	1
338.1636	R	1	380.129	R	1	400.919	R	1
338.1637	R	1	380.132	R	1	400.920	R	1
338.3001	R	5	380.133	R	1	400.921	R	1
338.3002	R	5	380.134	R	1	400.922	R	1
338.3003	R	5	390.1202	R	1	400.941	R	1
338.3004	R	5	390.1206	R	1	400.3151	*	6
338.3005	R	5	390.1207	R	1	400.3155	*	6
338.3006	R	5	390.1209	R	1	400.3156	*	6
338.3007	R	5	390.1210	R	1	400.3157	*	6
338.3801	R	6	390.1212	R	1	400.3158	*	6
338.11109	R	6	390.1213	R	1	400.3159	*	6
338.11115	R	6	390.1214	R	1	400.3160	*	6
338.30310	R	5	390.1251	R	1	400.3161	*	6
339.1701	R	1	400.10	A	9	400.3162	*	6
339.1705	R	1	400.11	A	9	400.3163	*	6
339.1709	R	1	400.12	A	9	400.3164	*	6
339.1713	R	1	400.13	A	9	400.3165	*	6
339.1721	R	1	400.14	A	9	400.3168	*	6
339.1741	R	1	400.15	A	9	400.3169	*	6
339.1743	R	1	400.16	A	9	400.3170	*	6
339.1745	R	1	400.17	A	9	400.3171	*	6
339.1747	R	1	400.18	A	9	400.3173	*	6
339.1751	R	1	400.901	R	1	400.3178	*	6
339.1755	R	1	400.902	R	1	400.3179	*	6
339.1757	R	1	400.903	R	1	400.3167	R	6
339.1759	R	1	400.905	R	1	400.3401	R	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
400.3403	R	1	400.4138	*	9	400.4562	*	9
400.3409	R	1	400.4141	*	9	400.4563	*	9
400.3410	R	1	400.4142	*	9	400.4566	*	9
400.3411	R	1	400.4143	*	9	400.4568	*	9
400.3412	R	1	400.4144	*	9	400.4601	*	9
400.3413	R	1	400.4145	*	9	400.4602	*	9
400.3414	R	1	400.4146	*	9	400.4612	*	9
400.3415	R	1	400.4147	*	9	400.4618	*	9
400.3416	R	1	400.4148	*	9	400.4620	*	9
400.3417	R	1	400.4150	*	9	400.4623	*	9
400.3418	R	1	400.4152	*	9	400.4632	*	9
400.3419	R	1	400.4160	*	9	400.4635	*	9
400.3420	R	1	400.4161	*	9	400.4638	*	9
400.3421	R	1	400.4163	*	9	400.4640	*	9
400.3422	R	1	400.4167	*	9	400.4652	*	9
400.3423	R	1	400.4501	*	9	400.4657	*	9
400.4101	*	9	400.4502	*	9	400.4666	*	9
400.4104	*	9	400.4504	*	9	400.4102	A	9
400.4105	*	9	400.4510	*	9	400.4103	A	9
400.4106	*	9	400.4512	*	9	400.4107	A	9
400.4108	*	9	400.4515	*	9	400.4110	A	9
400.4109	*	9	400.4517	*	9	400.4115	A	9
400.4111	*	9	400.4520	*	9	400.4122	A	9
400.4112	*	9	400.4522	*	9	400.4123	A	9
400.4113	*	9	400.4523	*	9	400.4124	A	9
400.4114	*	9	400.4524	*	9	400.4125	A	9
400.4116	*	9	400.4527	*	9	400.4129	A	9
400.4117	*	9	400.4532	*	9	400.4135	A	9
400.4118	*	9	400.4535	*	9	400.4136	A	9
400.4119	*	9	400.4538	*	9	400.4139	A	9
400.4120	*	9	400.4540	*	9	400.4140	A	9
400.4121	*	9	400.4545	*	9	400.4149	A	9
400.4126	*	9	400.4546	*	9	400.4151	A	9
400.4127	*	9	400.4548	*	9	400.4153	A	9
400.4128	*	9	400.4552	*	9	400.4154	A	9
400.4131	*	9	400.4554	*	9	400.4155	A	9
400.4132	*	9	400.4555	*	9	400.4156	A	9
400.4134	*	9	400.4559	*	9	400.4157	A	9
400.4137	*	9	400.4560	*	9	400.4158	A	9

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
400.4159	A	9	400.7002	*	9	408.10606	*	8
400.4162	A	9	400.7003	*	9	408.10611	*	8
400.4164	A	9	400.7004	*	9	408.10612	*	8
400.4165	A	9	400.7006	*	9	408.10613	*	8
400.4166	A	9	400.7007	*	9	408.10621	*	8
400.4505	A	9	400.7008	*	9	408.10623	*	8
400.4604	A	9	400.7009	*	9	408.10624	*	8
400.4605	A	9	400.7010	*	9	408.10631	*	8
400.4621	A	9	400.7011	*	9	408.10632	*	8
400.4168	R	9	400.7012	*	9	408.10633	*	8
400.4169	R	9	400.7013	*	9	408.10634	*	8
400.4170	R	9	400.7014	*	9	408.10636	*	8
400.4172	R	9	400.7015	*	9	408.10639	*	8
400.4173	R	9	400.7016	*	9	408.10641	*	8
400.4175	R	9	400.7017	*	9	408.10643	*	8
400.4176	R	9	400.7018	*	9	408.10644	*	8
400.4177	R	9	400.7019	*	9	408.10645	*	8
400.4178	R	9	400.7020	*	9	408.10647	*	8
400.4181	R	9	400.7021	*	9	408.10661	*	8
400.4182	R	9	400.7022	*	9	408.10664	*	8
400.4183	R	9	400.7024	*	9	408.10671	*	8
400.4201	R	9	400.7026	*	9	408.10673	*	8
400.4231	R	9	400.7027	*	9	408.10675	*	8
400.4232	R	9	400.7029	*	9	408.10677	*	8
400.4234	R	9	400.7030	*	9	408.10685	*	8
400.4237	R	9	400.7031	*	9	408.10686	*	8
400.4238	R	9	400.7032	*	9	408.10695	*	8
400.4302	R	9	400.7033	*	9	408.10696	*	8
400.4331	R	9	400.7034	*	9	408.10627	A	8
400.4332	R	9	408.6203	R	5	408.10680	A	8
400.4334	R	9	408.6204	R	5	408.10637	R	8
400.4335	R	9	408.6206	R	5	408.10638	R	8
400.4336	R	9	408.6208	R	5	408.13301a	*	10
400.4337	R	9	408.6209	R	5	408.13385	*	10
400.4338	R	9	408.6301	R	5	408.13387	*	10
400.4513	R	9	408.10601	*	8	408.13387a	*	10
400.7025	R	9	408.10603	*	8	408.13388	A	10
400.7028	R	9	408.10604	*	8	408.13389	A	10
400.7001	*	9	408.10605	*	8	408.13901	*	9

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
408.13902	*	9	408.17318	*	10	408.22953	R	1
408.13905	A	9	408.17320	*	10	408.22954	R	1
408.14001	*	7	408.17302	A	10	408.22955	R	1
408.14002	*	7	408.17801	*	8	408.22956	R	1
408.14004	*	7	408.18602	*	9	408.22957	R	1
408.14005	*	7	408.18605	A	9	408.22958	R	1
408.14008	*	7	408.22101	*	10	408.22959	R	1
408.14009	*	7	408.22102	*	10	408.22960	R	1
408.14001a	A	7	408.22103	*	10	408.22961	R	1
408.14001b	A	7	408.22104	*	10	408.22962	R	1
408.14511	*	10	408.22105	*	10	408.22963	R	1
408.14522	*	10	408.22106	*	10	408.22964	R	1
408.14555	*	10	408.22107	*	10	408.22965	R	1
408.14502	A	10	408.22109	*	10	408.22966	R	1
408.14527	R	10	408.22110	*	10	408.22967	R	1
408.15001	*	8	408.22112	*	10	408.22968	R	1
408.15002	*	8	408.22113	*	10	408.22969	R	1
408.15003	*	8	408.22115	*	10	408.22970	R	1
408.15004	A	8	408.22117	*	10	408.22971	R	1
408.15501	*	8	408.22119	*	10	408.30801	*	12
408.15601	*	8	408.22129	*	10	408.30811	*	12
408.15915	*	7	408.22130	*	10	408.30813	*	12
408.15922	*	7	408.22138	*	10	408.30818	*	12
408.15923	*	7	408.22139	*	10	408.30819	*	12
408.15903	A	7	408.22151	*	10	408.30834	*	12
408.15911	R	7	408.22156	*	10	408.30838	*	12
408.16204	*	7	408.22102a	A	10	408.30869	*	12
408.16223	*	7	408.22110a	A	10	408.30870	*	12
408.16227	*	7	408.22110b	A	10	408.30871	*	12
408.16234	*	7	408.22112a	A	10	408.30873	*	12
408.16237	*	7	408.22112b	A	10	408.30865	R	12
408.16251	*	7	408.22112c	A	10	408.40115	*	4
408.16202	A	7	408.22112d	A	10	408.40120	*	4
408.17310	*	10	408.22112e	A	10	408.40121	*	4
408.17312	*	10	408.22112f	A	10	408.40122	*	4
408.17314	*	10	408.22161	R	10	408.40123	*	4
408.17315	*	10	408.22162	R	10	408.40128	*	4
408.17316	*	10	408.22951	R	1	408.40130	*	4
408.17317	*	10	408.22952	R	1	408.40131	*	4

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
408.40132	*	4	408.41640	R	10	408.41875	*	7
408.40133	*	4	408.41641	R	10	408.41877	*	7
408.40105	A	4	408.41642	R	10	408.41884	*	7
408.40601	*	6	408.41643	R	10	408.41861a	A	7
408.40603	*	6	408.41644	R	10	408.41861b	A	7
408.40617a	*	6	408.41645	R	10	408.41861c	A	7
408.40623	*	6	408.41646	R	10	408.41861d	A	7
408.40625	*	6	408.41647	R	10	408.41877a	A	7
408.40631	*	6	408.41648	R	10	408.41871	R	7
408.40650	A	6	408.41649	R	10	408.41872	R	7
408.40655	A	6	408.41650	R	10	408.41876	R	7
408.40660	A	6	408.41651	R	10	408.41878	R	7
408.40709	*	4	408.41652	R	10	408.41879	R	7
408.40713	*	4	408.41653	R	10	408.41881	R	7
408.40721	*	4	408.41654	R	10	408.41882	R	7
408.40722	*	4	408.41655	R	10	408.41883	R	7
408.40723	*	4	408.41656	R	10	408.42701	*	7
408.40731	*	4	408.41657	R	10	408.42705	A	7
408.40751	*	4	408.41658	R	10	408.42710	R	7
408.40761	*	4	408.41802	*	7	408.42724	R	7
408.40762	*	4	408.41836	*	7	408.42725	R	7
408.41601	*	10	408.41837	*	7	408.42726	R	7
408.41610	*	10	408.41838	*	7	408.42727	R	7
408.41605	A	10	408.41841	*	7	408.42728	R	7
408.41625	R	10	408.41851	*	7	408.42731	R	7
408.41626	R	10	408.41852	*	7	408.42732	R	7
408.41627	R	10	408.41853	*	7	408.42733	R	7
408.41628	R	10	408.41854	*	7	408.42734	R	7
408.41629	R	10	408.41855	*	7	408.42735	R	7
408.41630	R	10	408.41861	*	7	408.42737	R	7
408.41631	R	10	408.41862	*	7	408.42741	R	7
408.41632	R	10	408.41863	*	7	408.42742	R	7
408.41633	R	10	408.41864	*	7	408.42743	R	7
408.41634	R	10	408.41865	*	7	408.42744	R	7
408.41635	R	10	408.41866	*	7	408.42751	R	7
408.41636	R	10	408.41867	*	7	408.42752	R	7
408.41637	R	10	408.41868	*	7	408.42753	R	7
408.41638	R	10	408.41869	*	7	408.42754	R	7
408.41639	R	10	408.41874	*	7	408.42755	R	7

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
408.42757	R	7	421.1205	R	1	460.17303	R	1
408.42758	R	7	421.1206	R	1	460.17305	R	1
408.42759	R	7	421.1207	R	1	460.17307	R	1
408.42761	R	7	421.1208	R	1	460.17309	R	1
408.42762	R	7	421.1209	R	1	460.17311	R	1
408.42763	R	7	421.1210	R	1	460.17313	R	1
408.42799	R	7	421.1211	R	1	460.17315	R	1
408.44501	*	7	421.1212	R	1	460.17317	R	1
408.44502	*	7	421.1213	R	1	460.17319	R	1
418.1	R	1	421.1214	R	1	460.17321	R	1
418.2	R	1	421.1301	R	1	460.17323	R	1
418.3	R	1	421.1302	R	1	460.17325	R	1
418.4	R	1	421.1304	R	1	460.17327	R	1
418.5	R	1	421.1305	R	1	460.17329	R	1
418.6	R	1	421.1306	R	1	460.17331	R	1
418.7	R	1	421.1307	R	1	460.17333	R	1
418.8	R	1	421.1308	R	1	460.17335	R	1
418.51	R	1	421.1309	R	1	460.17337	R	1
418.52	R	1	421.1310	R	1	460.17339	R	1
418.53	R	1	421.1311	R	1	460.17341	R	1
418.54	R	1	421.1313	R	1	460.17401	R	1
418.55	R	1	421.1314	R	1	460.17403	R	1
418.56	R	1	421.1315	R	1	460.17405	R	1
418.57	R	1	421.1316	R	1	460.17501	R	1
418.58	R	1	421.1317	R	1	460.17503	R	1
421.1101	R	1	460.17101	R	1	460.17505	R	1
421.1102	R	1	460.17103	R	1	460.17507	R	1
421.1103	R	1	460.17105	R	1	460.17509	R	1
421.1104	R	1	460.17107	R	1	460.17511	R	1
421.1105	R	1	460.17109	R	1	460.17513	R	1
421.1106	R	1	460.17111	R	1	460.17515	R	1
421.1107	R	1	460.17113	R	1	460.17601	R	1
421.1108	R	1	460.17115	R	1	460.17701	R	1
421.1109	R	1	460.17201	R	1	484.903	*	12
421.1110	R	1	460.17203	R	1	500.101	A	12
421.1201	R	1	460.17205	R	1	500.102	A	12
421.1202	R	1	460.17207	R	1	500.103	A	12
421.1203	R	1	460.17209	R	1	500.104	A	12
421.1204	R	1	460.17301	R	1	500.105	A	12

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
500.106	A	12	554.3	R	5	792.10102	A	1
500.107	A	12	554.4	R	5	792.10103	A	1
500.108	A	12	554.5	R	5	792.10104	A	1
500.109	A	12	554.6	R	5	792.10105	A	1
500.110	A	12	554.21	R	5	792.10106	A	1
500.111	A	12	554.22	R	5	792.10107	A	1
500.2101	R	1	554.23	R	5	792.10108	A	1
500.2105	R	1	554.24	R	5	792.10109	A	1
500.2106	R	1	554.25	R	5	792.10110	A	1
500.2107	R	1	554.26	R	5	792.10111	A	1
500.2109	R	1	554.27	R	5	792.10112	A	1
500.2110	R	1	554.28	R	5	792.10113	A	1
500.2111	R	1	554.29	R	5	792.10114	A	1
500.2112	R	1	554.31	R	5	792.10115	A	1
500.2113	R	1	554.32	R	5	792.10116	A	1
500.2114	R	1	554.33	R	5	792.10117	A	1
500.2115	R	1	554.34	R	5	792.10118	A	1
500.2116	R	1	554.35	R	5	792.10119	A	1
500.2117	R	1	554.41	R	5	792.10120	A	1
500.2118	R	1	554.42	R	5	792.10121	A	1
500.2119	R	1	554.51	R	5	792.10122	A	1
500.2120	R	1	554.52	R	5	792.10123	A	1
500.2121	R	1	554.53	R	5	792.10124	A	1
500.2122	R	1	554.61	R	5	792.10125	A	1
500.2123	R	1	554.62	R	5	792.10126	A	1
500.2124	R	1	554.63	R	5	792.10128	A	1
500.2125	R	1	554.64	R	5	792.10129	A	1
500.2126	R	1	554.65	R	5	792.10130	A	1
500.2127	R	1	554.66	R	5	792.10131	A	1
500.2128	R	1	554.67	R	5	792.10132	A	1
500.2129	R	1	554.68	R	5	792.10133	A	1
500.2130	R	1	554.69	R	5	792.10134	A	1
500.2131	R	1	554.70	R	5	792.10135	A	1
500.2134	R	1	554.71	R	5	792.10136	A	1
500.2136	R	1	791.3301	R	1	792.10137	A	1
500.2137	R	1	791.3305	R	1	792.10201	*	1
500.2138	R	1	791.3310	R	1	792.10203	*	1
554.1	R	5	791.3315	R	1	792.10205	*	1
554.2	R	5	792.10101	A	1	792.10207	*	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.10209	*	1	792.10306	A	1	792.10439	A	1
792.10211	*	1	792.10401	A	1	792.10440	A	1
792.10213	*	1	792.10402	A	1	792.10441	A	1
792.10215	*	1	792.10403	A	1	792.10442	A	1
792.10219	*	1	792.10404	A	1	792.10443	A	1
792.10221	*	1	792.10405	A	1	792.10444	A	1
792.10223	*	1	792.10406	A	1	792.10445	A	1
792.10225	*	1	792.10407	A	1	792.10446	A	1
792.10227	*	1	792.10408	A	1	792.10447	A	1
792.10229	*	1	792.10409	A	1	792.10448	A	1
792.10231	*	1	792.10410	A	1	792.10501	A	1
792.10233	*	1	792.10411	A	1	792.10502	A	1
792.10237	*	1	792.10412	A	1	792.10503	A	1
792.10239	*	1	792.10413	A	1	792.10504	A	1
792.10241	*	1	792.10414	A	1	792.10505	A	1
792.10243	*	1	792.10415	A	1	792.10506	A	1
792.10247	*	1	792.10416	A	1	792.10507	A	1
792.10251	*	1	792.10417	A	1	792.10508	A	1
792.10253	*	1	792.10418	A	1	792.10509	A	1
792.10255	*	1	792.10419	A	1	792.10510	A	1
792.10257	*	1	792.10420	A	1	792.10511	A	1
792.10259	*	1	792.10421	A	1	792.10512	A	1
792.10261	*	1	792.10422	A	1	792.10601	A	1
792.10263	*	1	792.10423	A	1	792.10602	A	1
792.10265	*	1	792.10424	A	1	792.10603	A	1
792.10269	*	1	792.10425	A	1	792.10604	A	1
792.10271	*	1	792.10426	A	1	792.10605	A	1
792.10273	*	1	792.10427	A	1	792.10606	A	1
792.10275	*	1	792.10428	A	1	792.10607	A	1
792.10277	*	1	792.10429	A	1	792.10608	A	1
792.10279	*	1	792.10430	A	1	792.10609	A	1
792.10283	*	1	792.10431	A	1	792.10701	A	1
792.10287	*	1	792.10432	A	1	792.10702	A	1
792.10289	*	1	792.10433	A	1	792.10703	A	1
792.10301	A	1	792.10434	A	1	792.10704	A	1
792.10302	A	1	792.10435	A	1	792.10705	A	1
792.10303	A	1	792.10436	A	1	792.10706	A	1
792.10304	A	1	792.10437	A	1	792.10707	A	1
792.10305	A	1	792.10438	A	1	792.10708	A	1

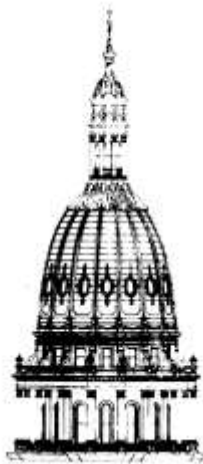
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.10709	A	1	792.11012	A	1	792.11206	A	1
792.10710	A	1	792.11013	A	1	792.11207	A	1
792.10711	A	1	792.11014	A	1	792.11208	A	1
792.10712	A	1	792.11015	A	1	792.11301	A	1
792.10713	A	1	792.11016	A	1	792.11302	A	1
792.10714	A	1	792.11017	A	1	792.11303	A	1
792.10715	A	1	792.11018	A	1	792.11304	A	1
792.10801	A	1	792.11019	A	1	792.11305	A	1
792.10802	A	1	792.11020	A	1	792.11306	A	1
792.10803	A	1	792.11021	A	1	792.11307	A	1
792.10804	A	1	792.11022	A	1	792.11309	A	1
792.10805	A	1	792.11023	A	1	792.11310	A	1
792.10806	A	1	792.11024	A	1	792.11311	A	1
792.10807	A	1	792.11025	A	1	792.11312	A	1
792.10808	A	1	792.11026	A	1	792.11313	A	1
792.10809	A	1	792.11027	A	1	792.11314	A	1
792.10901	A	1	792.11101	A	1	792.11315	A	1
792.10902	A	1	792.11102	A	1	792.11316	A	1
792.10903	A	1	792.11103	A	1	792.11317	A	1
792.10904	A	1	792.11104	A	1	792.11318	A	1
792.10905	A	1	792.11105	A	1	792.11319	A	1
792.10906	A	1	792.11106	A	1	792.11320	A	1
792.10907	A	1	792.11107	A	1	792.11321	A	1
792.10908	A	1	792.11108	A	1	792.11401	A	1
792.10909	A	1	792.11109	A	1	792.11402	A	1
792.10910	A	1	792.11110	A	1	792.11403	A	1
792.10911	A	1	792.11111	A	1	792.11404	A	1
792.10912	A	1	792.11112	A	1	792.11405	A	1
792.11001	A	1	792.11113	A	1	792.11406	A	1
792.11002	A	1	792.11114	A	1	792.11407	A	1
792.11003	A	1	792.11115	A	1	792.11408	A	1
792.11004	A	1	792.11116	A	1	792.11409	A	1
792.11005	A	1	792.11117	A	1	792.11410	A	1
792.11006	A	1	792.11118	A	1	792.11411	A	1
792.11007	A	1	792.11201	A	1	792.11412	A	1
792.11008	A	1	792.11202	A	1	792.11413	A	1
792.11009	A	1	792.11203	A	1	792.11414	A	1
792.11010	A	1	792.11204	A	1	792.11415	A	1
792.11011	A	1	792.11205	A	1	792.11416	A	1

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2015 MR Issue	R Number	Action	2015 MR Issue
792.11417	A	1	792.11606	A	1
792.11418	A	1	792.11607	A	1
792.11419	A	1	792.11608	A	1
792.11420	A	1	792.11609	A	1
792.11421	A	1	792.11610	A	1
792.11422	A	1	792.11611	A	1
792.11423	A	1	792.11701	A	1
792.11424	A	1	792.11702	A	1
792.11425	A	1	792.11703	A	1
792.11426	A	1	792.11704	A	1
792.11427	A	1	792.11705	A	1
792.11428	A	1	792.11706	A	1
792.11429	A	1	792.11707	A	1
792.11430	A	1	792.11708	A	1
792.11431	A	1	792.11709	A	1
792.11432	A	1	792.11801	A	1
792.11433	A	1	792.11802	A	1
792.11501	A	1	792.11803	A	1
792.11502	A	1	792.11901	A	1
792.11503	A	1	792.11902	A	1
792.11504	A	1	792.11903	A	1
792.11505	A	1			
792.11506	A	1			
792.11507	A	1			
792.11508	A	1			
792.11509	A	1			
792.11510	A	1			
792.11511	A	1			
792.11512	A	1			
792.11513	A	1			
792.11514	A	1			
792.11515	A	1			
792.11516	A	1			
792.11517	A	1			
792.11601	A	1			
792.11602	A	1			
792.11603	A	1			
792.11604	A	1			
792.11605	A	1			

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2015 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2015 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

July 6, 2015
Through PA 94 of 2015

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1		0044	Yes	2/19	2/20	5/21/15 #	Elections; primary , presidential primary election date; revise. (Sen. D. Robertson)
2		0045	Yes	2/19	2/20	5/21/15 #	Elections; primary , presidential primary election date; revise. (Sen. D. Robertson)
3		0034	Yes	3/4	3/4	3/4/15	Weapons; licensing ; concealed pistol licensing boards; eliminate, and transfer duties to the department of state police and county clerks. (Sen. M. Green)
4		0035	Yes	3/4	3/4	10/1/15 #	Criminal procedure ; sentencing guidelines; reference in sentencing guidelines; update. (Sen. M. Green)
5	4110		Yes	3/10	3/10	3/10/15	Appropriations; supplemental ; omnibus school aid supplemental adjusting certain appropriations and fund sources; provide for. (Rep. A. Pscholka)
6	4112		Yes	3/10	3/10	3/10/15	Appropriations; zero budget ; supplemental appropriations; provide for fiscal year 2014-2015. (Rep. A. Pscholka)
7	4078		Yes	3/17	3/17	3/17/15	Appropriations; capital outlay ; Michigan natural resources trust fund; provide appropriations. (Rep. J. Bumstead)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

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2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
8		0137	Yes	4/1	4/1	4/1/15	Insurance; health insurers; amount of autism coverage fund revenues to be expended for university autism programs and autism family assistance services; increase. (Sen. D. Hildenbrand)
9		0138	Yes	4/1	4/1	6/30/15	Crime victims; rights; distribution of crime victim's rights funds; modify. (Sen. D. Hildenbrand)
10	4051		Yes	4/9	4/9	4/9/15	Taxation; administration; disclosure of certain tax-exempt property; provide for. (Rep. J. Farrington)
11		0042	Yes	4/9	4/9	4/9/15	Vehicles; driver training; certain requirements applicable to commercial learner's permit; amend to comply with federal regulations. (Sen. T. Casperson)
12		0054	Yes	4/14	4/14	7/13/15	Natural resources; hunting; use of unmanned vehicles or devices to interfere with or harass another individual who is hunting or fishing; prohibit. (Sen. T. Casperson)
13		0055	Yes	4/14	4/14	7/13/15 #	Natural resources; hunting; use of unmanned vehicles or device for taking game or fish; prohibit. (Sen. P. Pavlov)
14	4119		Yes	4/14	4/14	4/14/15 #	Civil procedure; garnishment; garnishment of periodic payments; revise procedure. (Rep. D. Garcia)
15	4120		Yes	4/14	4/14	9/30/15 #	Labor; fair employment practices; deductions from wages without written consent of employee; include certain reimbursements related to garnishment. (Rep. M. McCready)
16		0053	Yes	4/14	4/14	7/13/15	Weapons; firearms; exemption for retired federal law enforcement officers to carry a concealed pistol in pistol-free zones; provide for. (Sen. R. Jones)

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2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
17		0160	Yes	4/22	4/22	4/22/15	Cities; home rule ; provision regarding financial recovery bonds; modify. (Sen. D. Booher)
18		0018	Yes	4/29	4/29	4/29/15 #	Property; conveyances ; certain land in Calhoun County; provide for conveyance after obtaining from United States. (Sen. M. Nofs)
19		0019	Yes	4/29	4/29	4/29/15 #	Property tax; assessments ; definition of transfer of ownership; exclude certain transfers. (Sen. M. Nofs)
20		0012	Yes	5/5	5/5	5/5/15	Retirement; state employees ; retired state employees to contract with department of attorney general in litigation matters involving this state; allow under certain circumstances without losing retirement allowance. (Sen. R. Jones)
21	4151		Yes	5/12	5/12	5/12/15 #	Weapons; firearms ; 1959 PA 186; repeal. (Rep. P. Pettalia)
22	4152		Yes	5/12	5/12	7/1/15 #	Weapons; firearms ; definition of firearm in MCL 8.3t; modify. (Rep. J. Sheppard)
23	4153		Yes	5/12	5/12	7/1/15 #	Weapons; firearms ; definition of firearm in MCL 752.841; modify. (Rep. R. Franz)
24	4154		Yes	5/12	5/12	7/1/15 #	Weapons; firearms ; definition of firearm in the natural resources and environmental protection act; modify. (Rep. B. Roberts)
25	4156		Yes	5/12	5/12	7/1/15 #	Weapons; firearms ; definition of firearm in 1927 PA 372; modify. (Rep. T. Barrett)

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2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
26	4155		Yes	5/12	5/12	7/1/15 #	Weapons; firearms; definition of firearm in the Michigan penal code; modify. (Rep. T. Cole)
27	4160		Yes	5/12	5/12	8/10/15 #	Weapons; other; brandishing a firearm; exempt certain actions. (Rep. J. Johnson)
28	4161		Yes	5/12	5/12	8/10/15 #	Weapons; other; definition of brandish; provide for. (Rep. H. Hughes)
29		0085	Yes	5/12	5/12	8/10/15	Weapons; firearms; definition of pneumatic guns; provide for, and prohibit certain regulations by local units of government. (Sen. D. Hildenbrand)
30		0099	Yes	5/18	5/18	5/18/15	Highways; name; portion of business loop I-94; designate as the "Detective LaVern S. Brann Memorial Highway". (Sen. M. Nofs)
31	4069		Yes	5/20	5/20	8/18/15	Criminal procedure; youthful trainees; eligibility criteria for youthful trainee program; modify. (Rep. H. Santana)
32	4135		Yes	5/20	5/20	8/18/15	Criminal procedure; youthful trainees; revocation of trainee status under Holmes youthful trainee act for committing certain subsequent crimes; provide for. (Rep. K. Heise)
33	4169		Yes	5/20	5/20	8/18/15	Criminal procedure; sentencing; option of placing individual in prison under the Holmes youthful trainee act; eliminate. (Rep. M. Hovey-Wright)
34	4162		Yes	5/21	5/21	8/19/15 #	Occupations; individual licensing and regulation; requirement for installation and repair of elevators by elevator journeymen; modify for installation and repair of residential lifts. (Rep. A. Nesbitt)

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2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
35	4163		Yes	5/21	5/21	8/19/15 #	Occupations ; individual licensing and regulation; licensing of residential lift contractors; create as class of elevator contractors. (Rep. A. Pscholka)
36	4038		Yes	5/21	5/21	8/19/15	Housing ; landlord and tenants; demand for payment of rent or possession of premises; allow by electronic mail. (Rep. A. Forlini)
37	4076		Yes	5/21	5/21	5/21/15	Weapons ; firearms; reference to certain repealed definition in the penal code; eliminate. (Rep. B. Rendon)
38		0052	Yes	5/21	5/21	8/19/15	Veterans ; other; veterans welcome home act; replace reference to "department of labor and economic growth" with "Michigan veterans affairs agency". (Sen. J. Stamas)
39	4075		Yes	6/1	6/1	6/1/15	Records ; public; transcripts and abstracts of records act; clarify fee for electronic copies. (Rep. B. Rendon)
40	4054		Yes	6/3	6/3	9/1/15	Mobile homes ; other; health and safety violations; provide for remedies and require posting of financial assurance. (Rep. A. Schor)
41	4017		Yes	6/3	6/3	6/3/15	Food ; other; persons donating food to nonprofit organizations or corporations that distribute donated food; provide immunity for. (Rep. J. Farrington)
42		0139	Yes	6/3	6/3	9/1/15	Education ; other; certain fund-raising activities during school hours; allow. (Sen. P. Colbeck)
43		0329	Yes	6/5	6/5	6/5/15	Elections ; election officials; modifying the nominating petition filing deadline for candidates for city offices; authorize under certain circumstances and add certain election accountability provisions. (Sen. J. Ananich)

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2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
44	4060		Yes	6/8	6/9	9/7/15	Higher education ; state universities; acceptance of an American council on education transcript; allow, and clarify transferable credits. (Rep. H. Hughes)
45		0221	Yes	6/8	6/9	6/9/15	Higher education ; education programs; participation in interstate compacts or agreements concerning distance education; regulate. (Sen. T. Schuitmaker)
46		0086	Yes	6/8	6/9	6/9/15	State financing and management ; bonds; issuance of certain types of bonds; extend sunset. (Sen. J. Brandenburg)
47		0271	Yes	6/8	6/9	6/9/15	Liquor ; licenses; sale of unlimited quantity of alcoholic liquor at a specific price at a private function; allow, and regulate price of 2 or more drinks sold to an individual. (Sen. W. Schmidt)
48		0196	Yes	6/8	6/9	9/7/15	Vehicles ; other; issuance of salvage or scrap certificate of title to insurance company; allow under certain circumstances and make other revisions. (Sen. T. Casperson)
49	4467		Yes	6/9	6/9	6/9/15	Corrections ; other; use of certain privately owned correctional facility to house certain adult inmates; allow. (Rep. J. Bumstead)
50	4071		Yes	6/8	6/9	9/7/15 #	Family law ; child custody; requirement to file motion for change of custody or parenting time order when parent is called to active military duty; modify. (Rep. T. Barrett)
51	4482		Yes	6/8	6/9	9/7/15 #	Family law ; child custody; requirement to file motion for change of custody or parenting time order when parent is called to active military duty; modify. (Rep. K. Kesto)
52		0009	Yes	6/8	6/9	9/7/15 #	Family law ; child custody; requirement to file motion for change of custody order when parent is called to active military duty; modify. (Sen. R. Jones)

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2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date		SUBJECT
	HB	SB						
53	4188		Yes	6/11	6/11	9/9/15	#	Children; adoption; objection to placements by child placing agency based on religious or moral convictions; allow. (Rep. A. LaFontaine)
54	4189		Yes	6/11	6/11	9/9/15	#	Children; adoption; objection to placements by child placing agency based on religious or moral convictions; allow. (Rep. H. Santana)
55	4190		Yes	6/11	6/11	9/9/15	#	Children; adoption; licensure of child placing agency that objects to placements on religious or moral grounds; allow. (Rep. E. Leutheuser)
56	4041		Yes	6/10	6/11	6/11/15		Human services; services or financial assistance; family independence assistance program group's compliance with compulsory school attendance; require in order to receive assistance. (Rep. A. Pscholka)
57	4404		Yes	6/10	6/11	10/1/15		Employment security; funds; use of contingent funds for workforce training programs; allow. (Rep. L. Inman)
58	4409		Yes	6/10	6/11	10/1/15		Human services; services or financial assistance; families leaving family independence programs due to no longer meeting financial eligibility; eliminate monthly payment. (Rep. E. Poleski)
59	4444		Yes	6/10	6/11	10/1/15		Mental health; code; certain fees under the mental health code; modify, and provide other general amendments. (Rep. C. Afendoulis)
60	4449		Yes	6/10	6/11	10/1/15		Environmental protection; air pollution; air emission fees; modify. (Rep. R. Victory)
61	4470		Yes	6/9	6/11	10/1/15		Food; other; certain MDARD fees; increase. (Rep. J. Hoadley)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
62	4363		Yes	6/10	6/11	10/1/15	Occupations; mechanical contractors; certain fees under the Forbes mechanical contractors act; modify. (Rep. H. Santana)
63	4382		Yes	6/10	6/11	10/1/15	Occupations; electricians; certain fees under the electrical administrative act; modify. (Rep. C. Afendoulis)
64	4383		Yes	6/10	6/11	10/1/15	Occupations; inspectors; building officials, inspectors, and plan reviewers; modify fees. (Rep. C. Afendoulis)
65	4384		Yes	6/10	6/11	10/1/15	Businesses; nonprofit corporations; annual report fees under the nonprofit corporation act; modify. (Rep. C. Afendoulis)
66	4397		Yes	6/10	6/11	10/1/15	Businesses; business corporations; annual report fees under the business corporation act; modify. (Rep. G. Darany)
67	4398		Yes	6/10	6/11	10/1/15	Trade; securities; certain fees under the uniform securities act; modify. (Rep. R. Kosowski)
68	4399		Yes	6/10	6/11	10/1/15	Businesses; limited liability companies; annual statement fees under the Michigan limited liability company act; modify. (Rep. L. Love)
69	4400		Yes	6/10	6/11	6/11/15	Agriculture; animals; licensing fees related to livestock operators; extend sunset. (Rep. N. Jenkins)
70	4439		Yes	6/10	6/11	10/1/15	Vehicles; title; tire disposal surcharge; earmark to the solid waste management fund and extend sunset. (Rep. R. Victory)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
71	4443		Yes	6/10	6/11	10/1/15	Law enforcement; fingerprinting; fees charged for fingerprinting and criminal record check; modify sunset. (Rep. A. Miller)
72	4445		Yes	6/10	6/11	10/1/15	Traffic control; other; disposition of commercial look-up service fees; extend sunset. (Rep. A. Pscholka)
73	4446		Yes	6/10	6/11	10/1/15	Traffic control; other; disposition of commercial look-up service fees; extend sunset. (Rep. A. Pscholka)
74	4364		Yes	6/10	6/11	10/1/15	Occupations; plumbers; certain fees under the state plumbing act; modify. (Rep. H. Santana)
75	4381		Yes	6/10	6/11	10/1/15	Occupations; licensing fees; occupational code fees under state license fee act; modify. (Rep. C. Afendoulis)
76	4448		Yes	6/10	6/11	10/1/15	Natural resources; inland lakes; inland lakes and streams application fees; modify. (Rep. R. Victory)
77	4568		Yes	6/10	6/11	10/1/15	Traffic control; other; disposition of commercial look-up service fees; extend sunset. (Rep. A. Pscholka)
78	4569		Yes	6/10	6/11	10/1/15	Vehicles; registration; vehicle registration tax credited to transportation administration collection fund; extend sunset. (Rep. A. Pscholka)
79		0100	No	6/16	6/16	**	Taxation; administration; prepayment of tax, penalty, and interest requirement as a prerequisite to filing a case regarding the assessment of tax in the Michigan court of claims; eliminate. (Sen. J. Brandenburg)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2015 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
80		0304	Yes	6/16	6/16	6/16/15	Occupations ; junk and secondhand dealers; payment requirements for certain scrap metal purchase transactions; modify. (<i>Sen. M. Kowall</i>)
81	4434		Yes	6/16	6/16	10/1/15	Human services ; county services; sunset on certain administrative rate changes to foster care services; eliminate, and make subject to appropriation. (<i>Rep. E. Poleski</i>)
82	4441		Yes	6/16	6/16	10/1/15	Environmental protection ; other; water pollution, solid waste, and recycling fees and sewerage expedited review process; extend sunset. (<i>Rep. S. Roberts</i>)
83	4451		Yes	6/16	6/16	10/1/15	Agriculture ; other; feed law; provide general amendments. (<i>Rep. N. Jenkins</i>)
84		0133	Yes	6/17	6/17	6/17/15 +	Appropriations ; zero budget; omnibus budget appropriations bill; provide for. (<i>Sen. D. Hildenbrand</i>)
85	4115		Yes	6/17	6/17	6/17/15	Appropriations ; zero budget; fiscal year 2015-2016 omnibus appropriations for school aid, higher education, and community colleges; provide for. (<i>Rep. A. Pscholka</i>)
86	4101		Yes	6/23	6/23	6/23/15	Appropriations ; zero budget; supplemental appropriations; provide for fiscal year 2014-2015. (<i>Rep. A. Pscholka</i>)
87	4175		Yes	6/23	6/23	9/21/15	Torts ; liability; liability of persons under equine activity liability act; limit to willful or wanton acts under certain circumstances. (<i>Rep. J. Johnson</i>)
88	4245		Yes	6/23	6/23	9/21/15	Occupations ; inspectors; registration as a building official, plan reviewer, or inspector; eliminate employment with governmental subdivision as a requirement for and change renewal dates. (<i>Rep. A. Forlini</i>)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
89	4203		Yes	6/25	6/25	6/25/15 #	Businesses; nonprofit corporations; reference to "crippled children" in trustee corporation law; revise to "children and youth with special health care needs". (Rep. M. Callton)
90	4204		Yes	6/25	6/25	6/25/15 #	Human services; children's services; reference to "crippled children"; revise to "children and youth with special health care needs". (Rep. J. Graves)
91	4205		Yes	6/25	6/25	6/25/15	Health; children; reference to "crippled children"; revise to "children and youth with special health care needs" and change the date on licensing pharmacy technicians. (Rep. A. Schor)
92		0112	Yes	6/25	6/25	6/25/15 #	Records; health; reference to "crippled children"; revise to "children and youth with special health care needs". (Sen. C. Hertel)
93		0113	Yes	6/25	6/25	6/25/15 #	Human services; children's services; reference to "crippled children"; revise to "children and youth with special health care needs". (Sen. J. Marleau)
94		0114	Yes	6/25	6/25	6/25/15 #	Children; child care; reference to "crippled children"; revise to "children and youth with special health care needs". (Sen. M. O'Brien)

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+ - Line item veto.

++ - Pocket veto.

- Tie bar.